

# FEDERAL REGISTER



VOLUME 20      1934      NUMBER 250

OF THE UNITED STATES

Washington, Saturday, December 24, 1955

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture [Navel Orange Reg. 67]

#### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### LIMITATION OF HANDLING

§ 914.367 *Navel Orange Regulation* 67—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 22, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this

meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order*. (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 23, 1955, and ending at 12:01 a. m., P. s. t., January 1, 1956, is hereby fixed as follows:

- (i) District 1: 646,800 cartons;
- (ii) District 2: 63,503 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4" have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 23, 1955.

[SEAL] FLOYD F. HEDLUND,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Dec. 55-10396; Filed, Dec. 23, 1955; 11:41 a. m.]

## CONTENTS

<b>Agricultural Marketing Service</b>	Page
<b>Notices:</b>	
Dixie Stock Yard, Inc., Meridian, Mississippi; deposting of stockyard.....	9375
<b>Proposed rule making:</b>	
Lemons grown in California and Arizona; handling.....	9373
Orange juice, chilled, U. S. standards for grades.....	9370
Oranges, navel, grown in Arizona and designated part of California; handling.....	9372
Oranges, Valencia, grown in Arizona and designated part of California; handling.....	9372
Tomatoes grown in Florida; expenses and rate of assessment.....	9373
<b>Rules and regulations:</b>	
Lemons grown in California and Arizona; limitation of shipment.....	9370
Prunes, dried, grown in California; handling of (2 documents).....	9361, 9362
Oranges, navel, grown in Arizona and designated part of California.....	9359
<b>Agriculture Department</b>	
See Agricultural Marketing Service.	
<b>Civil Aeronautics Board</b>	
<b>Notices:</b>	
British Overseas Airways Corp., hearing.....	9375
<b>Proposed rule making:</b>	
Redispatch of scheduled air carrier flights under adverse weather conditions.....	9374
<b>Commerce Department</b>	
See Federal Maritime Board.	
<b>Federal Communications Commission</b>	
<b>Notices:</b>	
Hearings, etc..	
Bartlett and Reed Management and Blackhills Video Co.....	9376
Evans, Elizabeth, and W. Courtney Evans (WSUX).....	9376
<b>Proposed rule making:</b>	
Television broadcast stations; increase of maximum effective radiated power.....	9375



# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

## CFR SUPPLEMENTS (For use during 1955)

The following Supplement is now available:

### General Index (\$1.25)

All of the Cumulative Pocket Supplements and revised books of the Code of Federal Regulations (as of January 1, 1955) are now available with the exception of Titles 1-3

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

## CONTENTS—Continued

<b>Federal Housing Administration</b>	Page
Rules and regulations:	
Multifamily housing insurance; eligibility requirements of mortgage covering multifamily housing	9962
<b>Federal Maritime Board</b>	
Proposed rule making:	
American President Lines, Ltd., extension of time limitation	9974
<b>Federal Power Commission</b>	
Notices:	
Hearings, etc..	
Beal Associates	9978
British-American Oil Producing Co.	9978
Colorado Interstate Gas Co.	9979
Consolidated Gas Utilities Corp.	9979
Fields, Bert, et al.	9980
Hawley, John B., Jr.	9977

## CONTENTS—Continued

<b>Federal Power Commission—Continued</b>	Page
Notices—Continued	
Hearings, etc.—Continued	
Hope Natural Gas Co.	9977
Johnson, George G., Drilling Co.	9978
Lone Star Gas Co.	9977
Lone Star Producing Co.	9979
Ohio Fuel Gas Co.	9976
Tennessee Gas Transmission Co.	9976
Trahan, J. C., et al.	9980
<b>Housing and Home Finance Agency</b>	
See also Federal Housing Administration.	
Notices:	
Public facility loans, delegations of authority with respect to: Community Facilities Commissioner	9981
Regional Administrators	9981
<b>Interstate Commerce Commission</b>	
Notices:	
Fourth section applications for relief (2 documents)	9983
Railroads serving certain States; rerouting or diversion of traffic	9984
<b>Labor Department</b>	
See Wage and Hour Division.	
<b>Maritime Administration</b>	
See Federal Maritime Board.	
<b>Post Office Department</b>	
Rules and regulations:	
Mail-Messenger Service	9968
Star Route Service	9968
Transportation of mail beyond borders of United States	9968
<b>Securities and Exchange Commission</b>	
Notices:	
Hearings, etc..	
Cities Service Co.	9981
Maine Mining and Exploration Corp.	9982
<b>Tariff Commission</b>	
Notices:	
Apparatus for electrolytically treating metal surfaces	9982
Report to President of "escape clause" findings on cerium alloys	9982
<b>Wage and Hour Division</b>	
Rules and regulations:	
Hours worked	9963
Retail or service establishment and related exemptions; application of certain exemptions to ice manufacturers and ice dealers	9963

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

<b>Title 7</b>	Page
Chapter I.	
Part 52 (proposed)	9970

## CODIFICATION GUIDE—Con.

<b>Title 7—Continued</b>	Page
Chapter IX:	
Part 914	9950
Proposed rules	9972
Part 922 (proposed)	9972
Part 945 (proposed)	9973
Part 953	9960
Proposed rules	9973
Part 993 (2 documents)	9961, 9962
<b>Title 14</b>	
Chapter I:	
Part 40 (proposed)	9974
<b>Title 24</b>	
Chapter II.	
Part 232	9962
Part 241	9962
<b>Title 29</b>	
Chapter V.	
Part 779	9963
Part 785	9963
<b>Title 39</b>	
Chapter I.	
Part 49	9968
Part 94	9968
Part 95	9968
<b>Title 46</b>	
Chapter II.	
Proposed rules	9974
<b>Title 47</b>	
Chapter I:	
Part 3 (proposed)	9975

[Lemon Reg. 621]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### LIMITATIONS OF SHIPMENTS

§ 953.728 *Lemon Regulation 621—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for mak-

ing the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 21, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 25, 1955, and ending at 12:01 a. m., P. s. t., January 1, 1956, is hereby fixed as follows:

- (i) District 1: 32,550 cartons;
- (ii) District 2: 153,100 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 22, 1955.

[SEAL] S. R. SMITH,  
Director Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 55-10362; Filed, Dec. 23, 1955;  
8:53 a. m.]

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

##### AMENDMENT OF AMENDED ADMINISTRATIVE RULES AND PROCEDURES

Notice was published in the November 26, 1955, issue of the FEDERAL REGISTER (20 F. R. 8724) that the Secretary of Agriculture was considering a proposed rule to approve further amendments, submitted by the Prune Administrative Committee, of the amended administrative rules and procedures, issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling

of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) Said proposed further amendments related to §§ 993.150 (c) (1) 993.161 (a) (3), and 993.161 (b) (1), and the addition of a new § 993.176. In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the proposed amendments of the amended administrative rules and procedures as set forth in the aforesaid notice would tend to effectuate the declared policy of the act and should be approved.

Therefore, it is hereby ordered, That the aforesaid administrative rules and procedures (19 F. R. 5297, 6908; 20 F. R. 1240) be further amended as set forth below:

1. Amend the provisions of § 993.150 (c) (1) to read as follows:

§ 993.150 *Receiving and disposition of prunes by handlers during any crop year when the estimated seasonal average price is in excess of parity.* \* \* \*

(c) *Reports of accounting.*—(1) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes a size report, accounting, or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the size report, and the accounting or settlement record, which shall contain the following information: (i) The names and addresses of the producer or dehydrator and the handler, and the date of size report, accounting, or settlement; (ii) the contract number, if any; (iii) an itemized statement of the total tenders of prunes in the delivery, showing the date, receiving point, weight certificate or door receipt number, inspection certificate number, net weight, variety, crop year of production, and the total net weight of the delivery. In the event more than one producer or dehydrator has a financial interest in prunes shown on a size report, accounting, or settlement sheet required to be submitted hereunder, the handler shall include thereon the name and address of each person having such financial interest as shown by the handler's records.

2. Amend the provisions of § 993.161 (a) (3) to read as follows:

§ 993.161 *Surplus tonnage.*—(a) *Reports.* \* \* \*

(3) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes a size report, accounting, or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the size report and the accounting or settlement record, which shall contain the following information: (i) The names and addresses of the producer or

dehydrator and the handler, and the date of the size report, accounting, or settlement; (ii) the contract number, if any; (iii) an itemized statement of the total tenders of prunes in the delivery, showing the date, receiving point, weight certificate or door receipt number, inspection certificate number, net weight, variety, the crop year of production, and type of certification, and, if substandard, the average size count of a representative sample of the off-grade prunes in the tender, and if received on appraisal, the tonnage of prunes equivalent to the quantity of off-grade prunes necessary to be removed therefrom for the remainder to be standard prunes; and (iv) the total net weight of the delivery, itemized as to salable, surplus standard, and surplus substandard prunes, the net weight, by sizes, of the surplus standard prunes, and the net weight by classifications (edible and inedible), of the surplus substandard prunes as determined by inspection certificate data developed for the administration of the provisions of § 993.63 (f). In the event more than one producer or dehydrator has a financial interest in prunes shown on a size report, accounting, or settlement sheet required to be submitted hereunder, the handler shall include thereon the name and address of each person having such financial interest as shown by the handler's records.

3. Amend the provisions of § 993.161 (b) (1) to read as follows:

§ 993.161 *Surplus tonnage.* \* \* \*

(b) *Holding in proper storage and delivery of surplus tonnage.*—(1) *Provision in the event of failure to deliver in accordance with obligation.* In the event a handler fails to deliver to the committee the total surplus tonnage\* of any established grade or size group category in accordance with his obligation to so deliver, after any applicable tolerance allowances for shrinkage in weight, increase in the number of prunes per pound, and normal and natural deterioration and spoilage which may then be in effect have been applied, the handler shall make up any deficiency by delivering to the committee a quantity of prunes of his salable tonnage of the weight, grade, and size necessary to rectify such deficiency. *Provided,* That a handler may deliver prunes for disposition as animal feed, botanicals, or distillation without a requirement as to grade or its certification, if such prunes, on the basis of incoming inspection certificates or certificates of appraisal, as the case may be, were received as standard prunes. To the extent that a handler is unable to rectify such a deficiency with prunes of his salable tonnage he shall compensate the committee in the amount of the reduction of surplus tonnage revenue that is occasioned by his unfulfilled surplus tonnage obligation, such amount to be calculated on the basis of the average price received by the committee during the crop year for surplus tonnage prunes of the applicable grade or size category and of the specific grade and size involved plus costs to the committee caused by the handler's failure to meet his obligation: *Provided,* That the remedies herein provided shall

be in addition to and not exclusive of any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or any part or subpart thereof.

4. Add a new § 993.176, immediately after existing § 993.175, reading as follows:

§ 993.176 *Records*. Each handler shall maintain such records as are necessary to furnish any report required to be submitted to the committee by him under this subpart, including, but not limited to, all records of prunes received, held and disposed of by him, and he shall retain such records for at least two years after the end of the crop year in which the applicable transaction occurred.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 20th day of December 1955, to be, and become, effective 30 days after the date of publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator

[F. R. Doc. 55-10319; Filed, Dec. 23, 1955;  
8:47 a. m.]

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

##### AMENDMENT OF SCHEDULE OF PAYMENTS TO HANDLERS TO COMPENSATE THEM FOR NECESSARY SERVICES IN CONNECTION WITH SURPLUS TONNAGE PRUNES

Notice was published in the November 26, 1955 issue of the FEDERAL REGISTER (20 F. R. 8724) that the Secretary of Agriculture was considering a rule to approve a further amendment of the amended schedule of payments, as set forth in such notice, to compensate handlers for necessary services rendered by them in connection with surplus tonnage prunes. The aforesaid amendment was submitted by the Prune Administrative Committee pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301) regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of all pertinent available information, it is concluded that the aforementioned further amendment of the amended schedule of payments should be approved as set forth in the aforesaid notice of proposed rule making.

Therefore, it is hereby ordered, That the introductory portion of § 993.401 (b) (i. e., that portion which precedes subparagraph (1) of that section) is amended to read as follows:

(b) For surplus tonnage received by a handler from producers or dehydrators either as standard prunes or as standard prunes in appraisal lots, the handler so holding such prunes, who performs the necessary services thereon for the committee, shall be reimbursed, except as provided in paragraphs (c) and (e) of this section, at the rate of \$18.00 per ton for the following service costs.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 20th day of December 1955, to be, and become, effective 30 days after the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator

[F. R. Doc. 55-10320; Filed, Dec. 23, 1955;  
8:47 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

#### Subchapter D—Multifamily and Group Housing Insurance

##### PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

##### PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

#### CERTIFICATE OF ACTUAL COST

1. Section 232.26 (b) is amended to read as follows:

§ 232.26 *Certificate of actual cost*.  
\* \* \*

(b) When the work has been completed under a contract as described in § 232.25 (b) the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the allowance for the builder's fee as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. These certificates of actual cost shall be certified to by a Certified Public Accountant or a public accountant satisfactory to the Commissioner. The scope of audit and certification must be in a form satisfactory to the Commissioner and include a statement that the accounts have been examined in accordance with generally accepted auditing standards, to the extent deemed necessary to verify the actual costs as defined in section 227 of the National Housing Act. The mortgagor shall keep records

as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

2. In Section 232.31a paragraphs (c) and (h) are amended to read as follows:

§ 232.31a *Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings*. \* \* \*

(c) A mortgage on a trailer court or park is not subject to the provisions of § 232.4.

(h) At the time a mortgage is insured on a trailer court or park, the mortgagor shall have constructed and completed, or shall have rehabilitated and completed, pursuant to a commitment to insure upon completion, or shall be obligated to construct and complete, or to rehabilitate and complete pursuant to a commitment to insure advances, such court or park, consisting of a single project of not less than fifty spaces on one site, designed principally for rental use for trailers or mobile homes, and conforming to standards, specifications, plans and requirements satisfactory to the Commissioner.

3. Section 241.35 (b) is amended to read as follows:

§ 241.35 *Certificate of actual cost*.  
\* \* \*

(b) When the work has been completed under a contract as described in § 241.34 (b) the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, plus the allowance for the builder's fee as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. These certificates of actual cost shall be certified to by a Certified Public Accountant or a public accountant satisfactory to the Commissioner. The scope of audit and certification must be in a form satisfactory to the Commissioner and include a statement that the accounts have been examined in accordance with generally accepted auditing standards, to the extent deemed necessary to verify the actual costs, as defined in section 227 of the National Housing Act. The mortgagor shall keep records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., December 20, 1955.

[SEAL] NORMAN P. MASON,  
Federal Housing Commissioner

[F. R. Doc. 55-10338; Filed, Dec. 23, 1955;  
8:50 a. m.]

## TITLE 29—LABOR

Chapter V—Wage and Hour Division,  
Department of Labor

## PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF CERTAIN EXEMPTIONS TO ICE  
MANUFACTURERS AND ICE DEALERS

On October 26, 1955 notice was published in the FEDERAL REGISTER (20 F. R. 8051) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Interpretative Bulletin, Part 779 by the addition of a new section applicable to ice manufacturers and ice dealers. Interested persons were given 30 days to submit for consideration, data, views or arguments pertaining to the proposed amendment. No objections have been received.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) Interpretative Bulletin, Part 779 (29 CFR, Part 779) is amended by the addition of § 779.32 to read as follows:

§ 779.32 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to ice manufacturers and ice dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) and 13 (a) (4) exemptions apply to establishments engaged in selling ice, including those establishments which make the ice they sell.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of ice will be regarded as retail except:

(1) Sales for resale.

(2) Sales of ice for icing railroad cars and for icing cargo trucks. However, sales of ice for the re-icing of cargo trucks are recognized as retail if such sales do not fall into the nonretail categories described in subparagraph (4) or (5) of this paragraph.

(3) Sales of ice in railroad car lots.

(4) Sales of ice of a ton or more.

(5) Sales of ice at a price comparable to that charged by the establishment to dealers or, if no sales are made to dealers by the establishment, at a price comparable to or lower than the prevailing price to dealers in the area.

(c) If 50 percent or more of the establishment's annual dollar volume of sales of goods or services is made within the state in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment except those employees who are engaged in the making or processing of ice or other goods. In order for employees engaged in making or processing of ice to be exempt, the establishment must meet all of the following tests of the exemption under section 13 (a) (4)

(1) The establishment must qualify as an exempt retail establishment under section 13 (a) (2) as explained above.

(2) More than 85 percent of the establishment's annual dollar volume of sales of the ice which it makes or processes must be made within the state in which the establishment is located.

(3) The ice which the establishment makes or processes must be made or processed at the establishment which sells it.

(4) The establishment must be recognized as a retail establishment in the particular industry.

(d) With respect to the application of the requirement in subparagraph (4) of this paragraph, the legislative history indicates that ice plants are among the establishments which may qualify as retail establishments under the 13 (a) (4) exemption. It appears that all ice plants are manufacturing establishments of the same general type, permitting no separate classifications with respect to recognition as retail establishments. Any ice plant which meets the test of section 13 (a) (2) will, therefore, be considered to be recognized as a retail establishment in the industry under this requirement.

(e) There are some ice plants which meet the 13 (a) (2) exemption tests, but do not qualify under section 13 (a) (4) because they are unable to meet the tests listed in subparagraphs (c) (2) or (c) (3) of this section. In such establishments, there may be some employees whose duties relate to both the sales portion of the business and the making or processing of ice. These employees will not qualify for exemption. However, in such establishments, there may be some employees who work primarily for the sales portion of the business and also perform incidental clerical, custodial, or messenger service for the manufacturing operation. For example, office workers may keep records of both the manufacturing activities and of the retail sales department, maintenance workers may clean up in both parts of the establishment, and messengers may perform services for both activities. If these employees spend relatively little time in the work related to the ice manufacturing portion of the business, they will not, as an enforcement policy, be regarded as engaged in the making or processing of ice. Such an auxiliary employee will thus be exempt under section 13 (a) (2) in any workweek in which an insubstantial amount of his time (20 percent or less) is allocable to the clerical, messenger, or custodial work of the ice manufacturing operations.

This amendment shall become effective January 23, 1956.

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

Signed at Washington, D. C., this 21st day of December 1955.

NEWELL BROWN,  
Administrator, Wage and Hour  
Division, United States Department of Labor

[F. R. Doc. 55-10341; Filed, Dec. 23, 1955; 8:51 a. m.]

## PART 783—HOURS WORKED

Sec.

783.0 Introductory statement.

783.1 The principles for determining hours worked.

783.2 Statutory exceptions.

783.3 Application of the principles.

783.4 Recording working time.

783.5 Applicable statutory provisions. Appendix.

Authority: §§ 783.0 to 783.5 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 783.0 *Introductory statement.* (a) The Fair Labor Standards Act<sup>1</sup> requires that each employee, not specifically exempted, who is engaged in interstate commerce or in the production of goods for such commerce, receive the statutory minimum wage.<sup>2</sup> It also provides that no such employee may be employed for more than 40 hours a week without receiving at least time and one-half of his regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he has worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., or to any Regional Office of the Divisions. A list of such offices is contained in the appendix to this part.

(b) The ultimate decisions on interpretations of the act are made by the courts. The Administrator must determine in the first instance the positions he will take in the enforcement of the act. This bulletin seeks to inform the public of such positions. It should thus provide a "practical guide for employers and employees as to how the office representing the public interest in its enforcement will seek to apply it."<sup>3</sup>

(c) These interpretations will remain in effect until they are rescinded, modified or withdrawn. This will be done when and if the Administrator concludes upon re-examination, or in the light of judicial decision, that a particular interpretation, ruling or enforcement policy is incorrect or unwarranted. All other rulings, interpretations or enforcement policies inconsistent with any portion of this part are superseded by it. The Portal-to-Portal Bulletin<sup>4</sup> is still in effect except insofar as it may not be consistent with any portion hereof. The applicable statutory provisions are set forth in § 783.5.

(d) The principles set forth in this part are also followed by the Adminis-

<sup>1</sup> 29 U. S. C. 202-219.

<sup>2</sup> The minimum wage is 75 cents an hour but becomes \$1.00 an hour on March 1, 1956.

<sup>3</sup> *Stidmore v. Swift*, 323 U. S. 124, 132.

<sup>4</sup> General Statement as to the Effect of the Portal-to-Portal Act of 1947 on the Fair Labor Standards Act of 1938, 29 CFR, 780.

trator of the Wage and Hour and Public Contracts Divisions in determining hours worked by employees performing work subject to the provisions of the Walsh-Healey Public Contracts Act.<sup>6</sup>

§ 785.1 *The principles for determining hours worked.* (a) Section 6 requires the payment of the minimum wage by an employer to his employees who are subject to the act. Section 7 prohibits their employment for more than 40 hours without proper overtime compensation.

(b) By statutory definition the term "employ" includes (section 3 (g)) "to suffer or permit to work." The act, however, contains no definition of "work."<sup>7</sup>

(c) The United States Supreme Court originally stated that employees subject to the act must be paid for all time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer or his business."<sup>8</sup> Subsequently, the Court ruled that there need be no exertion at all and that all hours are hours worked which the employee is required to give to his employer, that "an employer, if he chooses, may hire a man to do nothing, or to do nothing but wait for something to happen. Refraining from other activity often is a factor of instant readiness to serve, and idleness plays a part in all employments in a stand-by capacity. Readiness to serve may be hired, quite as much as service itself, and time spent lying in wait for threats to the safety of the employer's property may be treated by the parties as a benefit to the employer."<sup>9</sup> The workweek ordinarily includes "all time during which an employee is required to be on duty or on the employer's premises, or at a prescribed work place."<sup>10</sup>

(d) The principles are applicable even though there may be a custom, contract or agreement not to pay for the time so spent, with certain special statutory exceptions discussed in §§ 785.2 and 785.3.<sup>11</sup>

§ 785.2 *Statutory exceptions.* There are certain statutory exceptions to the rules stated in § 785.1. The Portal-to-Portal Act eliminates from working time certain travel and walking time and other similar "preliminary" and "postliminary" activities performed "prior" or "subsequent" to the "workday" that are not made compensable by contract, cus-

tom or practice.<sup>12</sup> Section 3 (o) of the Fair Labor Standards Act excludes certain time spent at the beginning or end of the workday in washing up or changing clothes, if these activities are excluded from measured working time by the provisions of, or by custom or practice under, a bona fide collective bargaining agreement applicable to the particular employee.

§ 785.3 *Application of the principles.* This part applies the rules to some of the problems which arise frequently

(a) *Employees "suffered or permitted" to work.* (1) Work not requested but suffered or permitted is work time.<sup>13</sup> For example, an employee may voluntarily continue to work at the end of the shift. He may be a pieceworker, he may desire to finish an assigned task or he may wish to correct errors, paste work tickets, prepare time reports or other records. The reason is immaterial. The employer knows or has reason to believe that he is continuing to work and the time is working time.

(2) The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed he must count the time as hours worked.

<sup>11</sup> 29 U. S. C. 251-262. It should be noted that "preliminary" and "postliminary" activities do not include "principal" activities. See General Statement as to the Effect of the Portal-to-Portal Act, 29 CFR 790.6-790.8. Section 4 of the Portal Act does not affect the computation of hours worked within the "workday." "Workday," in general, means the period between "the time on any particular workday at which such employee commences [his] principal activity or activities" and "the time on any particular workday at which he ceases such principal activity or activities." The "workday" may thus be longer than the employee's scheduled shift hours, tour of duty, or time on the production line. Also, its duration may vary from day to day depending upon when the employee commences or ceases his "principal" activities.

With respect to time spent in any "preliminary" or "postliminary" activity compensable by contract, custom or practice, the Portal Act requires that such time must also be counted for purposes of the Fair Labor Standards Act. There are, however, limitations on this requirement.

The "preliminary" or "postliminary" activity in question must be engaged in during the portion of the day with respect to which it is made compensable by the contract, custom or practice. Also, only the amount of time allowed by the contract or under the custom or practice is required to be counted. If, for example, the time allowed is 15 minutes but the activity takes 25 minutes, the time to be added to other working time would be limited to 15 minutes. *Galvin v. National Biscuit Co.*, 82 F. Supp. 535 (S. D. N. Y.), appeal dismissed, 177 F. 2d 963 (C. A. 2).

<sup>12</sup> *Handler v. Thrasher*, 191 F. (2d) 120 (C. A. 10); *Kappler v. Republic Pictures Corp.*, 59 F. Supp. 112 (S. D. Iowa), aff'd 151 F. (2d) 543; 327 U. S. 757; *Republican Publishing Co. v. American Newspaper Guild*, 172 F. (2d) 943 (C. A. 1); *Hogue v. National Automotive Parts Ass'n.*, 87 F. Supp. 816 (E. D. Mich.); *Barker v. Georgia Power and Light Co.*, 2 WH Cases 438; 5 Labor Cases Para. 61,095 (M. D. Ga.); *Steger v. Beard & Stone Electric Co.*, 1 WH. C. 593; 4 Labor Cases 60,643 (N. D. Texas).

(3) In all such cases it is the duty of management to exercise its control and see that the work is not performed, if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so.

(b) *Waiting time.* Whether waiting time is time worked under the act depends upon the particular circumstances. The determination involves "scrutiny and construction of the agreements between particular parties, appraisal of their practical construction of the working agreement by conduct, consideration of the nature of the service, and its relation to the waiting time, and all of the circumstances. Facts may show that the employee was engaged to wait, or they may show that he waited to be engaged."<sup>14</sup> Such questions "must be determined in accordance with common sense and the general concept of work or employment."<sup>15</sup>

(1) *Waiting while on duty.* A stenographer who reads a book while waiting for dictation, a messenger who works a crossword puzzle while awaiting assignments, a fireman who plays checkers while waiting for alarms and a factory worker who talks to his fellow employees while waiting for machinery to be repaired are all working during their periods of inactivity. The rule also applies to employees who work away from the plant. For example, a repair man is working while he waits for his employer's customer to get the premises in readiness. The time is worktime even though the employee is allowed to leave the premises or the job site during such periods of inactivity. The periods during which these occur are unpredictable. They are usually of short duration. In either event the employee is unable to use the time effectively for his own purposes. It belongs to and is controlled by the employer. In all of these cases waiting is an integral part of the job. The employee is engaged to wait.<sup>16</sup>

(2) *Waiting time off duty.* (i) Periods during which an employee is completely relieved from duty and which are long enough to enable him to use the time effectively for his own purposes are not hours worked. He is not completely relieved from duty and cannot use the time effectively for his own purposes unless he is definitely told in advance that he may leave the job and that he will not have to commence work until a definitely specified hour has arrived.

(ii) Whether the time is long enough to enable him to use the time effectively for his own purposes depends upon all of the facts and circumstances of the case.

(iii) A truck driver who has to wait at or near the job site for goods to be loaded is working during the loading period. If the driver reaches his destination and while awaiting the return trip is required to take care of his employer's property

<sup>6</sup> See Rulings and Interpretations No. 3, Walsh-Healey Public Contracts Act, section 43.

<sup>7</sup> Section 3 (o) of the Fair Labor Standards Act contains a partial definition of "hours worked" in the form of a limited exception for clothes-changing and wash up time.

<sup>8</sup> *Tennessee Coal, Iron & Railroad Co. v. Muscoda Local*, 321 U. S. 590.

<sup>9</sup> *Armour & Co. v. Wantock*, 323 U. S. 126; *Skidmore v. Swift*, 329 U. S. 134.

<sup>10</sup> *Anderson v. Mt. Clemens Pottery Co.*, 328 U. S. 680. The Portal-to-Portal Act did not change the rule except to provide an exception for preliminary and postliminary activities. See § 785.2.

<sup>11</sup> Cf. Portal-to-Portal Bulletin, 29 CFR 790, for special provisions relating to travel or walking and other similar "preliminary" and "postliminary" activities.

<sup>13</sup> *Skidmore v. Swift & Co.*, 323 U. S. 134.

<sup>14</sup> *Central Mo. Tel. Co. v. Conwell*, 170 F. (2d) 641 (C. A. 8).

<sup>15</sup> *Skidmore v. Swift*, 323 U. S. 134, 137.

he is also working while waiting. In both cases the employee is engaged to wait.<sup>25</sup> Waiting is an integral part of the job. On the other hand, for example, if the truck driver is sent from Washington, D. C. to New York City, leaving at 6:00 a. m. and arriving at 12:00 noon, and is completely and specifically relieved from all duty until 6:00 p. m. when he again goes on duty for the return trip, the idle time is not working time. He is waiting to be engaged.<sup>27</sup>

(3) *On-call time.* An employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call."<sup>28</sup> An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call.

(c) *Rest periods.* Rest periods of short duration, running from 5 minutes to about 20 minutes, are common in industry. They promote the efficiency of the employee and are customarily paid for as working time. They must be counted as hours worked.<sup>29</sup>

(d) *Meal periods.* (1) Bona fide meal periods are not work time. Bona fide meal periods do not include coffee breaks or time for snacks. These are rest periods. The employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily thirty minutes or more is long enough for a bona fide meal period. A shorter period may be long enough under special conditions. The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating.<sup>30</sup> For example, an office employee who is required to eat at his desk or a factory worker who is required to be at his machine is working while eating.

(2) It is not necessary that an employee be permitted to leave the premises if he is otherwise completely freed from duties during his meal period.

(e) *Sleeping time and certain other activities.* Under certain conditions an employee is considered to be working even though some of his time is spent in sleeping or in certain other activities.

(1) *Less than 24-hour duty.* (i) An employee who is required to be on duty for less than 24 hours is working even though he is permitted to sleep or engage in other personal activities when not busy.<sup>31</sup>

(ii) A telephone operator, for example, who is required to be on duty for specified hours is working even though she is permitted to sleep when not busy answering calls. It makes no difference that she is furnished facilities for sleeping. Her time is given to her employer. She is required to be on duty and the time is work time.

(2) *Duty of 24 hours or more.* (i) Where an employee is required to be on duty for 24 hours or more the employer and employee may agree<sup>32</sup> to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep.<sup>33</sup> If the sleeping period is interrupted by a call to duty the interruption must be counted as hours worked.

(ii) If the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted.<sup>34</sup> For enforcement purposes, the Divisions have adopted the rule that if the employee cannot get at least five hours' sleep during the scheduled period the entire time is working time.

(3) *Employees residing on employer's premises or working at home.* An employee who resides on his employer's premises on a permanent basis or for extended periods of time is not considered as working all the time he is on the premises. Ordinarily, he may engage in normal private pursuits and thus have enough time for eating, sleeping, enter-

taining, and other periods of complete freedom from all duties when he may leave the premises for purposes of his own. It is of course difficult to determine the exact hours worked under these circumstances and any reasonable agreement of the parties which takes into consideration all of the pertinent facts will be accepted. This rule would apply, for example, to the pumper of a stripper well who resides on the premises of his employer and also to a telephone operator who has the switchboard in her own home.<sup>35</sup>

(f) *Preparatory and concluding activities.* (1) In November 1947 the Administrator issued the Portal-to-Portal Bulletin. In dealing with this subject the Bulletin 29 CFR 790.8 (b) and (c) said:

(b) The term "principal activities" includes all activities which are an integral part of a principal activity. Two examples of what is meant by an integral part of a principal activity are found in the Report of the Judiciary Committee of the Senate on the Portal-to-Portal bill. They are the following:

(1) In connection with the operation of a lathe an employee will frequently, at the commencement of his workday, oil, grease, or clean his machine, or install a new cutting tool. Such activities are an integral part of the principal activity, and are included within such term.

(2) In the case of a garment worker in a textile mill, who is required to report 30 minutes before other employees report to commence their principal activities, and who during such 30 minutes distributes clothing or parts of clothing at the workbenches of other employees and gets machines in readiness for operation by other employees, such activities are among the principal activities of such employee.

"Such preparatory activities, which the Administrator has always regarded as work and as compensable under the Fair Labor Standards Act, remain so under the Portal Act, regardless of contrary custom or contract."

(c) Among the activities included as an integral part of a principal activity are those closely related activities which are indispensable to its performance. If an employee in a chemical plant, for example, cannot perform his principal activities without putting on certain clothes, changing clothes on the employer's premises at the beginning and end of the workday would be an integral part of the employee's principal activity. On the other hand, if changing clothes is merely a convenience to the employee and not directly related to his principal activities, it would be considered as a "preliminary" or "postliminary" activity rather than a principal part of the activity. However, activities such as checking in and out and waiting in line to do so would not ordinarily be regarded as integral parts of the principal activity or activities.

(2) These principles have guided the Administrator in the enforcement of the act. Their application has been challenged in two cases which are now pending before the Supreme Court of the United States. In one case employees changed their clothes and took showers in a battery plant where the manufacturing process involved the extensive use of caustic and toxic materials which made the changing of clothes and

<sup>25</sup> *Shelly Oil Co. v. Jackson*, 184 Okla. 183, 148 P. 2d 162 (Okla. Sup. Ct. 1944); *Thompson v. Loring Oil Co.*, 50 F. Supp. 213 (W. D. La.); *Munn v. Southwestern States Telephone Co.*, 52 F. Supp. 653 (N. D. Tex.).

<sup>25</sup> *Skidmore v. Swift*, 323 U. S. 134, 137; *Walling v. Dunbar Transfer & Storage*, 3 WH Cases 284; 7 Labor Cases Para. 61, 565 (W. D. Tenn.).

<sup>27</sup> *Gifford v. Chapman*, 6 WH Cases 806; 12 Labor Cases Para. 63,661 (W. D. Okla.); *Thompson v. Daugherty*, 40 F. Supp. 279 (D. Md.).

<sup>28</sup> *Armour & Co. v. Wantock*, 323 U. S. 126; *Handler v. Thrasher*, 191 F. 2d 120 (C. A. 10); *Walling v. Bank of Waynesboro, Georgia*, 61 F. Supp. 384 (S. D. Ga.).

<sup>29</sup> Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time, *Ballard v. Consolidated Steel Corp. Ltd.*, 61 F. Supp. 996 (S. D. Calif.).

<sup>30</sup> *Culkin v. Glenn L. Martin, Nebraska Co.*, 97 F. Supp. 661 (D. Nebr.) affirmed 197 F. 2d 981 (C. A. 8), certiorari denied 344 U. S. 883 and *Thompson v. Stock & Sons*, 93 F. Supp. 213 (E. D. Mich.), affirmed 194 F. 2d 493 (C. A. 6); *Biggs v. Joshua Hendy Corp.*, 183 F. 2d 515, 187 F. 2d 447 (C. A. 9); *Walling v. Dunbar Transfer and Storage Co.*, 3 WH Cases 284; 7 Labor Cases Para. 61,565 (W. D. Tenn.); *Lofton v. Seneca Coal and Co.*, 2 WH Cases 689; 6 Labor Cases Para. 61,271 (N. D. Okla.); affirmed 136 F. 2d 359 (C. A. 10), certiorari denied 320 U. S. 772.

<sup>31</sup> *Conwell v. Central Missouri Telephone Co.*, 170 F. 2d 641 (C. A. 8); *Strand v. Garden Valley Telephone Co.*, 51 F. Supp. 493 (D. Minn.); *Whitsitt v. Enid Ice & Fuel Co.*, 2 WH Cases 594; 6 Labor Cases Para. 61,226 (W. D. Okla.).

<sup>32</sup> Where no expressed or implied agreement to the contrary is present, the 8 hours of sleeping time and lunch periods constitute hours worked, *General Electric Co. v. Porter*, 208 F. 2d 805 (C. A. 9), certiorari denied 347 U. S. 975.

<sup>33</sup> *Armour v. Wantock*, 323 U. S. 126; *Skidmore v. Swift*, 323 U. S. 134; *Bowers v. Ramington Rand*, 64 F. Supp. 620 (S. D. Ill.), affirmed 159 F. 2d 114 (C. A. 7), certiorari denied 330 U. S. 843; *Bell v. Porter*, 169 F. 2d 117 (C. A. 7) certiorari granted 330 U. S. 817, grant of certiorari, vacated and certiorari denied, 330 U. S. 813, rehearing denied 331 U. S. 864; *Rokey v. Day & Zimmerman*, 157 F. 2d 736 (C. A. 8); *Bridgeman v. Ford, Bacon and Davis*, 161 F. 2d 962 (C. A. 8); *McLaughlin v. Todd & Brown, Inc.*, 7 WH Cases 1014; 15 Labor Cases Para. 64,006 (N. D. Ind.); See also: *Campbell v. Jones & Laughlin*, 70 F. Supp. 996 (W. D. Pa.) (If sleeping period is of more than 8 hours, only 8 hours will be credited).

<sup>34</sup> See *Eustice v. Federal Cartridge Corp.*, 69 F. Supp. 65 (D. Minn.).

showering indispensable. The United States Court of Appeals for the Sixth Circuit upheld the view expressed in the Portal-to-Portal Bulletin that these activities were an integral part of the employee's principal job and that they were not activities which were excluded by the Portal-to-Portal Act.<sup>23</sup>

(3) In another case the Court of Appeals for the Ninth Circuit held that the sharpening of knives by knifemen in a meat packing plant before and after the scheduled work day was a preliminary and postliminary activity and was not to be considered time worked under the statute.<sup>24</sup> If the Supreme Court should decide these cases contrary to these views the Administrator will make and publish whatever revision may be required under the circumstances.

(4) Section 3 (c) of the act provides an exception to the general rule for employees under collective bargaining agreements. This section provides for the exclusion of time spent in changing clothes or washing at the beginning or end of the workday, if the time is excluded by the express terms of or by a custom or practice under a bona fide collective bargaining agreement applicable to the particular employee.

(g) *Adjusting grievances.* Time spent in adjusting grievances between an employer and employees during the time the employees are required to be on the premises is hours worked, but in the event a bona fide union is involved the counting of such time will, as a matter of enforcement policy, be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement.

(h) *Lectures, meetings and training programs.* (1) Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met: (i) Attendance is outside of the employee's regular working hours; (ii) attendance is in fact voluntary; (iii) the course, lecture, or meeting is not directly related to the employee's job, and (iv) the employee does not perform any productive work during such attendance.

(2) Attendance is not voluntary, of course, if it is required by the employer. It is not voluntary in fact if the employee is given to understand or led to believe that his present working conditions or the continuance of his employment would be adversely affected by non-attendance.

(3) The training is directly related to the employee's job if it is designed to make the employee handle his job more effectively as distinguished from training him for another job. For example, a stenographer who is given a course in stenography is engaged in an activity to make her a better stenographer. Time spent in such a course given by the employer or under his auspices is hours worked. However, if the stenographer takes a course in bookkeeping, it may not be directly related to her job. Thus,

the time she spends voluntarily in taking such a bookkeeping course, outside of regular working hours, need not be counted as working time.

(4) Of course, if an employee on his own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for his employer even if the courses are related to his job.

(5) There are some special situations where the time spent in attending lectures, training sessions and courses of instruction is not regarded as hours worked. For example, an employer may establish for the benefit of his employees a program of instruction which corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer.

(6) As an enforcement policy, time spent in an organized program of related, supplemental instruction by employees working under bona fide apprenticeship programs may be excluded from working time if the following criteria are met: (i) The apprentice is employed under a written apprenticeship agreement or program which substantially meets the fundamental standards of the Bureau of Apprenticeship, U. S. Department of Labor, (ii) such time does not involve productive work or performance of the apprentice's regular duties. If the above criteria are met the time spent in such related supplemental training shall not be counted as hours worked unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked.

(i) *Medical attention.* Time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the employer during the employee's normal working hours on days when he is working constitutes hours worked.

(j) *Civic and charitable work.* Time spent in work for public or charitable purposes at the employer's request, or under his direction or control, or while the employee is required to be on the premises, is working time. However, time spent voluntarily in such activities outside of the employee's normal working hours is not hours worked.

(k) *Suggestion systems.* Generally, time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time but if employees are permitted to work on suggestions during regular working hours the time spent must be counted as hours worked. Where an employee is assigned to work on the development of a suggestion, the time is considered hours worked.

(l) *Travel time.* (1) The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved. The subject is discussed under the headings "Travel from home to work," "Travel that is all in the day's work,"

and "Travel away from home." At the outset a brief reference must be made to the Portal Act as it applies to travel time.

(2) The Portal Act provides in section 4 (a) that except as provided in subsection (b) no employer shall be liable for the failure to pay the minimum wage or overtime compensation for time spent in "walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities."

(3) Subsection (b) provides that the employer shall not be relieved from liability if the activity is compensable by express contract or by custom or practice not inconsistent with an express contract.

(4) Thus travel time at the commencement or cessation of the workday which was originally considered as working time under the Fair Labor Standards Act (such as underground travel in mines or walking from time clock to work-bench)<sup>25</sup> need not be counted as working time unless it is compensable by contract, custom or practice. If compensable by express contract or by custom or practice not inconsistent with an express contract, such travel time must be counted in computing hours worked. However, ordinary travel from home to work (see subparagraph (5) of this paragraph) need not be counted as hours worked even if the employer agrees to pay for it.

(5) Travel from home to work: (i) An employee who travels from home before his regular workday and returns to his home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether he works at a fixed location or at different job sites.

(ii) While normal travel from home to work is not work time, if an employee receives an emergency call outside of his regular working hours and is required to travel to his regular place of business or some other work site, all of the time spent in such travel is working time.

(iii) A problem arises when an employee who regularly works at a fixed location in one city is given a special one-day work assignment in another city. For example, an employee who works in Washington, D. C., with regular working hours from 9 a. m. to 5 p. m., may be given a special assignment in New York City with instructions to leave Washington at 8 a. m. He arrives in New York at 12 noon, ready for work. The special assignment is completed at 3 p. m., and the employee arrives back in Washington at 7 p. m. Such travel cannot be regarded as ordinary home-to-work travel occasioned merely by the fact of employment. It was performed

<sup>23</sup> *Steiner v. Mitchell*, 215 F. 2d 171 (C. A. 6).

<sup>24</sup> *Cf. Mitchell v. King Packing Co.*, 216 F. 2d 618 (C. A. 9) contra.

<sup>25</sup> *Tennessee Coal, Iron & R. R. Co. v. Muscoda Local*, 321 U. S. 590; *Anderson v. Mt. Clemens Pottery Co.*, 328 U. S. 690; *Walling v. Anaconda Copper Mining Co.*, 60 F. Supp. 913 (D. Mont.).

for the employer's benefit and at his special request to meet the needs of the particular and unusual assignment. It would thus qualify as an integral part of the "principal" activity which the employee was hired to perform on the workday in question; it is like travel involved in an irregular emergency call (described in this section) or like travel that is all in the day's work (see subparagraph (6) of this paragraph). All the time involved, however, need not be counted. Since, except for the special assignment, the employee would have had to report to his regular work site, the travel between his home and the railroad depot may be deducted, it being in the "home-to-work" category. Also, of course, the usual meal time would be deductible.

(6) Travel that is all in the day's work: Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the work day, must be counted as hours worked. Where an employee is required to report at a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the day's work and must be counted as hours worked regardless of contract, custom, or practice.<sup>29</sup> If an employee normally finishes his work on the premises at 5:00 p. m. and is sent to another job which he finishes at 8:00 p. m. and is required to return to his employer's premises arriving at 9:00 p. m., all of the time is working time. However, if the employee goes home instead of returning to his employer's premises, the travel after 8:00 p. m. is home-to-work travel and is not hours worked.

(7) Travel away from home: (i) Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly worktime when it cuts across the employee's work day. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on non-working days. Thus, if an employee regularly works from 9:00 a. m. to 5:00 p. m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well as on the other days. Regular meal period time is not counted. As an enforcement policy the Divisions will not consider as worktime that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

(ii) If an employee is offered public transportation but requests permission to drive his car instead, the employer may count as hours worked either the time spent driving the car or the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.

(iii) Any work which an employee is required to perform while traveling must

of course be counted as hours worked. An employee who drives a truck, bus, automobile, boat or airplane, or an employee who is required to ride therein as an assistant or helper, is working while riding, except during bona fide meal periods or when he is permitted to sleep in adequate facilities furnished by the employer.

§ 785.4 Recording working time. (a) Section 11 (c) of the act authorizes the Secretary to promulgate regulations requiring the keeping of records of hours worked, wages paid and other conditions of employment. These regulations are published in Part 516 of this chapter. Copies of the regulations may be obtained on request.

(b) In recording working time under the act, insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes, may be disregarded. The courts have held that such trifles are de minimis.<sup>30</sup> This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration, and where the failure to count such time is due to considerations justified by industrial realities. An employer may not arbitrarily fail to count as hours worked any part, however small, of the employee's fixed or regular working time or practically ascertainable periods of time he is regularly required to spend on duties assigned to him.<sup>31</sup>

(c) Time clocks are not required. In those cases where time clocks are used, employees who voluntarily come in before their regular starting time or remain after their closing time, do not have to be paid for such periods provided, of course, that they do not engage in any work. Their early or late clock punching may be disregarded. Minor differences between the clock records and actual hours worked cannot ordinarily be avoided, but major discrepancies should be discouraged since they raise a doubt as to the accuracy of the records of the hours actually worked.

(d) It has been found that in some industries, particularly where time clocks are used, there has been the practice for many years of recording the employees' starting time and stopping time to the nearest five minutes, or to the nearest one-tenth or quarter of an hour. Presumably, this arrangement averages out so that the employees are fully compensated for all the time they

actually work. For enforcement purposes this practice of computing working time will be accepted, provided that it is used in such a manner that it will not result, over a period of time, in failure to compensate the employees properly for all the time they have actually worked.

§ 785.5 Applicable statutory provisions—(a) Fair Labor Standards Act. (1) Section 6 (a) of this act provides that "Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates— (1) not less than 75 cents an hour; \* \* \*"

(2) Section 7 (a) of this act provides that: "Except as otherwise provided in this section no employer shall employ any of his employees who is engaged in commerce or in the production of goods for commerce for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

(3) Section 3 (g) of this act provides that: "'Employ' includes to suffer or permit to work"

(4) Section 3 (o) of this act provides that: "Hours worked—in determining for the purposes of sections 6 and 7 the hours for which an employee is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from the measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employees"

(b) Portal-to-Portal Act. Section 4 of this act provides that:

(a) Except as provided in subsection (b), no employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Davis-Bacon Act, on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any of the following activities of such employee engaged in on or after May 14, 1947—

(1) Walking, riding, or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, and

(2) Activities which are preliminary to or postliminary to said principal activity or activities, which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases, such principal activity or activities.

(b) Notwithstanding the provisions of subsection (a) of this section which relieve an employer from liability and punishment with respect to an activity the employer shall not be so relieved if such activity is compensable by either—

(1) An express provision of a written or non-written contract in effect, at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer; or

<sup>32</sup>The minimum rate becomes \$1.00 an hour on March 1, 1956.

<sup>29</sup>Walling v. Mid-Continent Pipe Line Co., 143 F. 2d 308 (C. A. 10).

No. 250—2

<sup>30</sup>Anderson v. Mt. Clemens Pottery Co., 323 U. S. 680.

<sup>31</sup>See Glenn L. Martin Nebraska Co. v. Cullen, 197 F. 2d 981, 987 (C. A. 8), certiorari denied, 344 U. S. 866, rehearing denied, 344 U. S. 868, holding that working time amounting to \$1.00 of additional compensation a week is "not a trivial matter to a working man," and was not de minimis; Addison v. Huron Stevedoring Corp., 204 F. 2d 88, 95 (C. A. 2) certiorari denied 346 U. S. 877, holding that "To disregard work weeks for which less than a dollar is due will produce capricious and unfair results." Hawkins v. E. I. Du Pont de Nemours & Co., 12 WH Cases 448, 27 Labor Cases Para. 69,034 (E. D. Va.), holding that 10 minutes a day is not de minimis.

(2) A custom or practice in effect, at the time of such activity, at the establishment or other place where such employee is employed, covering such activity, not inconsistent with a written or nonwritten contract, in effect at the time of such activity, between such employee, his agent, or collective-bargaining representative and his employer.

(c) For the purposes of subsection (b) of this section, an activity shall be considered as compensable, under such contract provision or such custom or practice only when it is engaged in during the portion of the day with respect to which it is so made compensable.

(d) In the application of the minimum wage and overtime compensation provisions of the Fair Labor Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Davis-Bacon Act, in determining the time for which an employer employs an employee with respect to walking, riding, traveling, or other preliminary or postliminary activities described in subsection (a) of this section, there shall be counted all that time, but only that time, during which the employee engages in any such activity which is compensable within the meaning of subsections (b) and (c) of this section.

#### APPENDIX

Regional Offices of the Wage and Hour and Public Contracts Divisions:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont). Regional office: Boston, Mass.

Region II (New Jersey, New York). Regional office: New York, N. Y.

Region III (Delaware, Maryland, Pennsylvania). Regional office: Philadelphia, Pa.

Region IV (Alabama, Florida, Georgia, Mississippi, South Carolina). Regional office: Birmingham, Ala.

Region V (Michigan, Ohio). Regional office: Cleveland, Ohio.

Region VI (Illinois, Indiana, Minnesota, Wisconsin). Regional office: Chicago, Ill.

Region VII (Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming). Regional office: Kansas City, Mo.

Region VIII (Arkansas, Louisiana, New Mexico, Oklahoma, Texas). Regional office: Dallas, Tex.

Region IX (Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington). Regional office: San Francisco, Calif.

Region X (Kentucky, Tennessee, Virginia, West Virginia). Regional office: Nashville, Tenn.

Cooperating State agency (North Carolina). North Carolina Department of Labor: Raleigh, N. C.

Alaska: Juneau.

Hawaii: Honolulu.

Puerto Rico: Santurce.

Signed at Washington, D. C., this 29th day of November 1955.

NEWELL BROWN,  
Administrator  
Wage and Hour Division.

[F. R. Doc. 55-10309; Filed, Dec. 23, 1955; 8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 49—STAR ROUTE SERVICE

#### PART 94—MAIL-MESSENGER SERVICE

#### PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

#### MISCELLANEOUS AMENDMENTS

The following changes are made in the regulations of the Post Office Department:

#### PART 49—STAR ROUTE SERVICE

In Part 49—Star Route Service add new § 49.5, to read as follows:

§ 49.5 *Subcontracts*—(a) *Requirements for subletting*. (1) A contractor must get prior permission from the Post Office Department for subletting. Subletting without proper consent may cause a route to be relet, thereby making contractor and his sureties liable under their bond for damages.

(2) Subcontracts are executed in triplicate, providing a copy for: (i) Post Office Department, Bureau of Transportation; (ii) Contractor; (iii) Subcontractor.

(3) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(b) *Requirements of subcontractors*. A subcontractor must:

(1) Meet the legal residence requirements of contractors.

(2) Be in a position to supervise the service properly.

(3) Be financially and morally responsible.

(4) Have fully adequate and suitable equipment.

(c) *Assignment*. Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act. A contract may be sublet as provided by law.

(d) *Term*. The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(e) *Responsibility of contractor*. The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(f) *Termination*—(1) *By joint request*. A subcontract may be terminated by the Post Office Department on the joint request of both contractor and subcontractor.

(2) *By death of subcontractor*. On the death of a subcontractor, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route.

(R. S. 161, 396, 3951, as amended, 3964, as amended, 3965, 3966, 3968, 3969; sec. 2, 20 Stat. 62, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 434, 445, 481, 483, 484, 486, 487)

#### PART 94—MAIL-MESSENGER SERVICE

Part 94 *Mail-Messenger Service*, is revised to read as follows:

Sec.

94.1 Mail Messenger Service not to be established without authority.

94.2 Mail Messenger Service not to be extended without authority.

94.3 No payment to be made for Mail Messenger Service unless authorized.

94.4 Irregularities and fines.

AUTHORITY: §§ 94.1 to 94.4 issued under R. S. 161, 396, 3962, as amended; 24 Stat. 492, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 443, 578.

§ 94.1 *Mail messenger service not to be established without authority*. The postmaster must apply to his regional transportation manager for authority to employ temporary mail messenger service where necessary before the establishment of regular mail messenger service.

§ 94.2 *Mail messenger service not to be extended without authority*. The postmaster must obtain authorization from the regional transportation manager before extending service of a mail messenger beyond the limits stated in the advertisement and notice of designation.

§ 94.3 *No payment to be made for mail messenger service unless authorized*. No person may be paid for mail messenger service unless the service has been authorized.

§ 94.4 *Irregularities and fines*. Mail messengers may be held financially liable for loss or damage to mail in their custody. They are also accountable and answerable in fines for failure to:

(a) Carry the mail in a safe and secure manner.

(b) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

(c) Return and deliver the mail into the post office, notifying the postmaster, when for any reason he is unable to make proper dispatch of the mail in his custody.

#### PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Part 95—Transportation of Mail Beyond Borders of United States is revised to read as follows:

Sec.

95.1 Transportation and protection of mail between post offices and ships.

95.2 Certificate for ship letters and payment of shipmaster.

95.3 When fees on ship letters not allowed.

95.4 Compensation for transportation of surface mails by vessel.

95.5 Rates for rail service across Isthmus of Panama.

95.6 Fines on steamship companies transporting mail beyond borders of United States.

AUTHORITY: §§ 95.1 to 95.6 issued under R. S. 161, 396, 398, as amended, 3962, as amended, 4009, as amended, 4010, as amended; secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 777; 5 U. S. C. 22, 369, 372, 18 U. S. C. 1698, 39 U. S. C. 443, 654, 655.

§ 95.1 *Transportation and protection of mail between post offices and ships*—

(a) *Outgoing mail*. Steamship companies are to provide for the transportation and protection of all outgoing mail, including parcel post and sacks containing empty sacks, from the post office to the transporting vessel.

(b) *Incoming mail*. All incoming mail, including letter mail, parcel post and sacks containing empty sacks, is to be placed on the piers by the steamship companies. At that point delivery of the mail is made into the custody of agents of the postal service for trucking to the post office. The mail shall be placed on the piers and delivered to the agents of the postal service before the transporting vessel makes entry or breaks bulk, such action to be regarded as compliance with the law. Mail, in-

cluding letter mail, parcel post and sacks containing empty sacks, waybilled for discharge at ports other than the first port of call of the vessel in the United States, shall be discharged at the first port of call if the vessel is scheduled to remain at said first port of call for more than 24 hours.

(c) *Vehicles and attendants.* Each vehicle used to transport mail between post offices and vessels, except the completely closed van type, shall be provided with a man to ride on the rear of the vehicle to protect the mail. The mail compartment of the completely closed van type vehicle must be locked or sealed. When a rack type truck is used the sacks shall be covered by a tarpaulin.

(d) *Registered (red label) sacks.* The registered sacks shall be specially protected during transfer between post offices and the transporting vessels and on board the vessels. The red label sacks shall be separately delivered to the steamship company's representative at the post office in the case of outgoing mails. Incoming red label sacks shall be segregated from the other mails on the piers by the steamship companies.

§ 95.2 *Certificate for ship letters and payment of shipmaster.* (a) Postmasters at offices where ship and steamboat letters are delivered shall obtain a certificate from the master of the ship showing:

- (1) Number of letters.
- (2) Name of ship or vessel.
- (3) Place from which vessel last sailed.

(b) The postmaster shall pay to the master or owner of the ship or steamboat 2 cents for each letter delivered into his office which has not previously been mailed, except as provided in § 95.3. The postmaster shall obtain a receipt for such payment.

§ 95.3 *When fees on ship letters not allowed.* Fees shall not be allowed for ship letters if they are:

- (a) Addressed to a foreign country.
- (b) Delivered by any of the following:
  - (1) A passenger or sailor, other than the master.
  - (2) The master of any vessel or any person on board any vessel which carries mail.
  - (3) Any carrier on any mail route.
  - (4) The master of a vessel who delivers to a postmaster letters which were carried over a post route.

Fees shall not be allowed for printed matter.

§ 95.4 *Compensation for transportation of surface mail—(a) Definite rates.* Unless otherwise provided, payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of United States registry and foreign registry at the rates given below:

Distance conveyed (nautical miles)	United States mail, including parcel post, on steamships of United States registry (cents per pound—net weight)	All mail, including parcel post, on steamships of foreign registry, and for closed transit mail, including parcel post, on steamships of United States registry (cents per pound—net weight)
Up to 500 miles.....	3.1	1.8
Over 500 up to 600 miles.....	3.1	2.0
Over 600 up to 1,000 miles.....	3.1	3.1
Over 1,000 up to 1,500 miles.....	3.6	3.6
Over 1,500 up to 2,000 miles.....	4.7	4.0
Over 2,000 up to 2,500 miles.....	4.7	4.4
Over 2,500 up to 3,000 miles.....	4.7	4.7
Over 3,000 up to 3,500 miles.....	5.0	5.0
Over 3,500 up to 4,000 miles.....	5.3	5.3
Over 4,000 up to 5,000 miles.....	5.6	5.6
Over 5,000 up to 6,000 miles.....	6.1	6.1
Over 6,000 up to 7,000 miles.....	6.5	6.5
Over 7,000 up to 8,000 miles.....	6.8	6.8
Over 8,000 miles.....	7.1	7.1

(b) *Exceptions to above rates.* As an exception to the rates in paragraph (a) of this article, payment for the mail which the United States is obligated to convey shall be made at the rates in the schedule below for the following services:

(1) Mail, including parcel post, dispatched onward from the Canal Zone.

(2) Postal Union mail from any country signatory to the Convention of the Postal Union of the Americas and Spain (except continental United States and Canada) to any other country, and Postal Union mail originating in signatory countries conveyed from countries not signatory.

Distance conveyed (nautical miles)	All mail, including parcel post, where conveyance is obligated (cents per pound—net weight)
Up to 500 miles.....	1.3
Over 500 up to 600 miles.....	2.0
Over 600 up to 1,000 miles.....	2.6
Over 1,000 up to 1,500 miles.....	3.1
Over 1,500 up to 2,000 miles.....	3.5
Over 2,000 up to 2,500 miles.....	3.9
Over 2,500 up to 3,000 miles.....	4.2
Over 3,000 up to 3,500 miles.....	4.5
Over 3,500 up to 4,000 miles.....	4.8
Over 4,000 up to 5,000 miles.....	5.1
Over 5,000 up to 6,000 miles.....	5.6
Over 6,000 up to 7,000 miles.....	6.0
Over 7,000 up to 8,000 miles.....	6.3
Over 8,000 miles.....	6.6

(c) *Other exceptions—(1) Free transit provisions.* No compensation will be paid by the United States Post Office Department for the transportation of letters and prints mail originating in the United States or countries signatory to the Convention of the Postal Union of the Americas and Spain when dispatched on vessels of the registry or flag of a signatory country. Such conveyance is an obligation of the country in which the vessel is registered in accordance with the free transit provisions of the Convention of the Postal Union of the Americas and Spain. This does not apply to ships of Panamanian registry (with respect to ships which Panama does not use for

its own correspondence) or those of the United States and Canadian registry.

(2) *Mails dispatched from more than one port in the United States.* When mail is dispatched from more than one port in the United States this section shall not prevent a carrier from accepting the lowest rate applicable from the United States to port of destination.

(d) *Membership of Postal Union of the Americas and Spain.* The following countries are signatory to the Convention of the Postal Union of the Americas and Spain:

Argentina.	Haiti.
Bolivia.	Honduras (Republic).
Brazil.	Mexico.
Canada.	Nicaragua.
Colombia.	Panama.
Costa Rica.	Paraguay.
Cuba.	Peru.
Chile.	Spain.
Dominican Republic.	United States.
Ecuador.	Uruguay.
El Salvador.	Venezuela.
Guatemala.	

§ 95.5 *Rates for rail service across Isthmus of Panama.* Payment for the transportation by railroad across the Isthmus of Panama, for United States and foreign closed transit mail shall be \$0.0525 per pound for letters and post cards and \$0.007 per pound for other articles, including parcel post.

§ 95.6 *Fines on steamship companies transporting mail beyond borders of United States.* Steamship companies are responsible to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage resulting to any mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

[SEAL] ABE MCGREGOR GOFF,  
The Solicitor.

[F. R. Doc. 55-10342; Filed, Dec. 23, 1955; 5:51 a.m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [ 7 CFR Part 52 ]

#### CHILLED ORANGE JUICE<sup>1</sup>

#### UNITED STATES STANDARDS FOR GRADES; NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States standards for Grades of Chilled Orange Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

#### PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.	
52.2761	Product description.
52.2762	Types of chilled orange juice.
52.2763	Styles of processed chilled orange juice.
52.2764	Grades of chilled orange juice.

#### FILL OF CONTAINER

52.2765	Recommended fill of container.
---------	--------------------------------

#### FACTORS OF QUALITY

52.2766	Ascertaining the grade.
52.2767	Ascertaining the rating for the factors which are scored.
52.2768	Color.
52.2769	Absence of defects.
52.2770	Flavor.

#### EXPLANATIONS AND METHODS OF ANALYSES

52.2771	Definitions of terms and methods of analyses.
---------	---

#### LOT CERTIFICATION TOLERANCES

52.2772	Tolerances for certification of officially drawn samples.
---------	---

#### SCORE SHEET

52.2773	Score sheet for chilled orange juice.
---------	---------------------------------------

AUTHORITY: §§ 52.2761 to 52.2773 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

#### PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2761 *Product description.* Chilled orange juice is the unfermented juice initially obtained from sound, mature fruit of the sweet orange group (*Citrus sinensis*) and Mandarin group (*Citrus*

*reticulata*) except tangerines, which fruit was prepared by sorting and by washing prior to extraction of the juice to assure a clean and sanitary product. Chilled orange juice is prepared without chemical preservatives, acids, or similar additives but may be packed with the addition of a non-liquid nutritive sweetening ingredient or sweetening ingredients. The orange juice of the applicable type and style is prepared, chilled quickly, and packaged in accordance with good commercial practice; and the chilled product is maintained at temperatures necessary for the marketing of chilled orange juice.

§ 52.2762 *Types of chilled orange juice.* Chilled orange juice is prepared as the following types and sub-types:

(a) *Type I, Chilled fresh orange juice.* Chilled orange juice of this type is prepared as a fresh, undiluted, unconcentrated, and untreated orange juice, except for chilling and the removal of seeds and undesirable pulp, without added sweetening ingredient(s)

(b) *Type II, Chilled processed orange juice.* Chilled orange juice may be prepared as any of the following sub-types:

(1) Type II (a) natural orange juice that is heat treated or otherwise treated in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from frozen single-strength orange juice, with or without heat-treatment or other treatment in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from any combination thereof.

(2) Type II (b) natural orange juice that is prepared with or without heat-treatment or other treatment in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from frozen single-strength orange juice, with or without heat-treatment or other treatment in whole or in part to reduce bacterial or enzymatic action; or chilled orange juice that is prepared from any combination thereof; and to which a small amount of frozen concentrated orange juice has been admixed to standardize the chilled orange juice;

(3) Type II (c) frozen concentrated orange juice reconstituted with water and natural orange juice or frozen single-strength orange juice; or

(4) Type II (d) frozen concentrated orange juice reconstituted solely with water.

§ 52.2763 *Styles of processed chilled orange juice.* (a) Style I, Unsweetened (or without added sweetening ingredient)

(b) Style II, Sweetened (or with added sweetening ingredient)

§ 52.2764 *Grades of chilled orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of chilled orange juice that shows no coagulation or no material separation and possesses the appearance of fresh orange juice; that possesses a very good color; that is prac-

tically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of chilled orange juice that shows no coagulation but may show some separation and possesses the appearance of fresh orange juice; that possesses a good color; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of chilled orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

#### FILL OF CONTAINER

§ 52.2765 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of chilled orange juice as practicable.

#### FACTORS OF QUALITY

§ 52.2766 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*

- (i) Degree of coagulation;
- (ii) Separation;
- (iii) Appearance of fresh orange juice.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color .....	40
(ii) Absence of defects .....	20
(iii) Flavor .....	40
Total score .....	100

§ 52.2767 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, and 20 points)

§ 52.2768 *Color*—(a) (A) *classification.* Chilled orange juice that possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice.

(b) (B) *classification.* If the chilled orange juice possesses a good color, a score of 28 to 33 points may be given. Chilled orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Good color" means

<sup>1</sup> Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason.

(c) (SStd) classification. Chilled orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2769 *Absence of defects*—(a) *General*. The factor of absence of defects refers to the degree of freedom from recoverable oil, from seeds and portions thereof, from pulp, and from other defects.

(1) *Pulp*. "Pulp" means particles of membrane, core, and peel.

(b) (A) classification. Chilled orange juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present: (1) not more than 0.035 percent by volume of recoverable oil; (2) small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding  $\frac{1}{8}$  inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (3) pulp that does not materially affect the appearance or drinking quality of the juice; and (4) other defects that are not more than slightly objectionable.

(c) (B) classification. If the chilled orange juice is reasonably free from defects, a score of 14 to 16 points may be given. Chilled orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" means that there may be present: (1) not more than 0.050 percent by volume of recoverable oil; (2) small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding  $\frac{1}{8}$  inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (3) pulp that does not seriously affect the appearance or drinking quality of the juice; and (4) other defects that are not materially objectionable.

(d) (SStd) classification. Chilled orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2770 *Flavor*—(a) (A) classification. Chilled orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following additional requirements for the applicable style:

(1) *Style I, Unsweetened*. (i) Brix: Not less than 11.8°

(ii) Brix-acid ratio: Not less than 10 to 1 if the Brix is 12.0° or more; and

not less than 12 to 1 if the Brix is less than 12.0°; and not more than 18 to 1.

(2) *Style II, Sweetened*. (i) Brix: Not less than 12.5°

(ii) Brix-acid ratio: Not less than 12 to 1 nor more than 14 to 1.

~(b) (B) classification. If the chilled orange juice possesses a good flavor, a score of 28 to 33 points may be given. Chilled orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following additional requirements for the applicable style:

(1) *Style I, Unsweetened*. (i) Brix: Not less than 10.5°, except that if the product is prepared in whole or in part from frozen concentrated orange juice, the Brix shall be not less than 11.8°

(ii) Brix-acid ratio: Not less than 9 to 1 if the Brix is 12.0° or more; and not less than 11 to 1 if the Brix is less than 12.0°; and not more than 20 to 1.

(2) *Style II, Sweetened*. (i) Brix: Not less than 12.5°

(ii) Brix-acid ratio: Not less than 10 to 1 nor more than 15 to 1.

(c) (SStd) classification. Chilled orange juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

#### EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2771 *Definitions of terms and methods of analyses*—(a) *Brix*. "Brix" means the degrees Brix of chilled orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of chilled orange juice may be determined by any other method which gives equivalent results.

(b) *Acid*. "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of chilled orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Recoverable oil*. "Recoverable oil" is determined by the following method:

(1) *Equipment*.

Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.<sup>1</sup>

Gas burner or hot plate.

Ringstand and clamps.

Rubber tubing.

3-liter narrow-neck flask.

(2) *Procedure*. (i) Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through

the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

#### LOT CERTIFICATION TOLERANCES

§ 52.2772 *Tolerances for certification of officially drawn samples*. (a) When certifying samples that have been officially drawn and which represent a specific lot of chilled orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drugs, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

#### SCORE SHEET

§ 52.2773 *Score sheet for chilled orange juice*.

Size and kind of container.....	
Container mark (Registered.....)	
Certification (Case.....)	
Label (including ingredient statement, if any).....	
Liquid measure (half cannes).....	
Style.....	
Brix (degrees).....	
Acid (range 100 ml; calculated as anhydrous citric acid).....	
Brix-acid ratio (ii).....	
Recoverable oil (percent by volume).....	
Degree of congealation: { } None { } Slight { } Serious.	
Scoring factors	Score points
Color.....	40 { (A) 34-40 (B) 28-33 (SStd) 10-27
Absence of defects.....	20 { (A) 17-20 (B) 14-15 (SStd) 10-13
Flavor.....	40 { (A) 34-40 (B) 28-33 (SStd) 10-27
Total score.....	100
Grade.....	

<sup>1</sup> Indicates limiting rule.

Dated: December 20, 1955.

[SEAL] ROY W. LEHNHARTSON,  
Deputy Administrator,  
Marketing Services.

[F. R. Doc. 55-16315; Filed, Dec. 23, 1955;  
8:46 a. m.]

<sup>1</sup> Filed as part of the original document.

## [ 7 CFR Part 914 ]

[Docket No. AO-245-A2]

NAVAL ORANGES GROWN IN ARIZONA AND  
DESIGNATED PART OF CALIFORNIANOTICE OF HEARING WITH RESPECT TO  
PROPOSED AMENDMENTS TO AMENDED  
MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 229 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. s. t., January 27, 1956, with respect to proposed amendments to the marketing agreement as amended, and Order No. 14, as amended (7 CFR Part 914) hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of navel oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Naval Orange Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete the provisions of § 914.15 and substitute in lieu thereof the following:

§ 914.15 *Carton*. "Carton" means the standard carton Number 58 as defined in § 828.83 of the Agricultural Code of California, of a capacity of approximately 38½ pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 914.17 and substitute in lieu thereof the following:

§ 914.17 *Carload*. "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 914.21 by deleting therefrom the word and figure "November 1" and substitute in lieu thereof the word and figure "October 1"

4. Amend the provisions of § 914.31 by adding at the end of the section the following additional sentence: "Whenever specifically authorized and approved by the committee, alternate members shall be reimbursed for reasonable expenses necessarily incurred by them in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding

that the committee members for whom they serve as alternate also attend such meetings."

5. Amend the provisions of § 914.32 as follows: (a) Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the end of the marketing year, prepare and mail an annual report to the Secretary, and to each handler and grower of record."

(b) Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

6. Amend the provisions of § 914.53 (e) by adding the following proviso at the end thereof: "Provided, That on gains occasioned by the bona fide transfer of real property on which such oranges are produced, any quantity of oranges which is deducted as provided herein shall be added, over a comparable period, to the handler who gains control of such oranges."

7. Amend the provisions of § 914.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment, and whose total allotment is not required for the repayment of an allotment loan or a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

8. Amend the provisions of § 914.57 by adding a new subparagraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration, monetary or otherwise, to the loaning handler.

9. Amend the provisions of § 914.64 by inserting the following immediately after the first sentence of such section: "Such size regulation may establish the percentage of the allotment which is issued to each handler during each prorate period which may be used by such handler only during such prorate period in the shipment of a stated size whenever volume regulation is in effect. If volume regulation is not in effect the percentage of the stated size which each handler may ship each week may be established in relation to the total quantity of oranges such handler ships during such week."

10. Add a new § 914.68, reading as follows:

§ 914.68 *Volume regulation when season average price is in excess of parity*. In order to effectuate the declared policy of the act, and in order to maintain such orderly marketing conditions for oranges as will provide in the interest of producers and consumers alike an orderly flow of the supply of oranges to market throughout their normal marketing season, and in order to avoid unreasonable fluctuation in the supply and price of

oranges, the provisions of this subpart may be made effective notwithstanding that the season average price of oranges is found to be in excess of parity.

11. Amend the provisions of § 914.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton"

12. Amend the provisions of § 914.83 (c) (3) by deleting from the last sentence of this subparagraph the word and figure "September 15" and substituting in lieu thereof the word and figure "March 15"

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Done at Washington, D. C., this 20th day of December 1955.

[SEAL]

ROY W. LENNARTSON,  
Deputy Administrator[F. R. Doc. 55-10317; Filed, Dec. 23, 1955;  
8:46 a. m.]

## [ 7 CFR Part 922 ]

[Docket No. AO-250-A1]

VALENCIA ORANGES GROWN IN ARIZONA AND  
DESIGNATED PART OF CALIFORNIANOTICE OF HEARING WITH RESPECT TO PRO-  
POSED AMENDMENTS TO TENTATIVE MAR-  
KETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a. m., P. s. t., January 25, 1956, with respect to proposed amendments to the tentative marketing agreement, heretofore approved by the Secretary of Agriculture, and Order No. 22 (7 CFR Part 922), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Valencia oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments,

which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Valencia Orange Administrative Committee, the administrative agency established pursuant to the order:

1. Delete the provisions of § 922.16 and substitute in lieu thereof the following:

§ 922.16 *Carton*. "Carton" means the standard carton number 58 as defined in § 828.83 of the Agricultural Code of California, of a capacity of approximately 38½ pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 922.18 and substitute in lieu thereof the following:

§ 922.18 *Carload*. "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 922.31 by adding at the end of the section the following additional sentence: "Whenever specifically authorized and approved by the committee, alternate members shall be reimbursed for reasonable expenses necessarily incurred by them in attending committee meetings, and shall receive compensation at the rate provided in this section, notwithstanding that the committee members for whom they serve as alternates also attend such meetings."

4. Amend the provisions of § 922.32 as follows: (a) Delete therefrom the first sentence and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the end of the marketing year, prepare and mail an annual report to the Secretary and to each handler and grower of record."

(b) Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

5. Amend the provisions of § 922.53 (e) by adding the following proviso at the end thereof: "Provided, That on gains occasioned by the bona fide transfer of real property on which such oranges are produced, any quantity of oranges which is deducted as provided herein shall be added, over a comparable period, to the handler who gains control of such oranges."

6. Amend the provisions of § 922.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment, and whose total allotment is not required for the repayment of an allotment loan or a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his

allotment, or one carload, whichever is the greater."

7. Amend the provisions of § 922.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration, monetary or otherwise, to the loaning handler.

8. Amend the provisions of § 922.64 by inserting the following immediately after the first sentence of such section: "Such size regulation may establish the percentage of the allotment which is issued to each handler during each prorate period which may be used by such handler only, during such prorate period in the shipment of a stated size whenever volume regulation is in effect. If volume regulation is not in effect, the percentage of a stated size, which each handler may ship during each week, may be established in relation to the total quantity of oranges such handler ships during such week."

9. Add a new § 922.68 reading as follows:

§ 922.68 *Volume regulation when season average price in excess of parity*. In order to effectuate the declared policy of the act, and in order to maintain such orderly marketing conditions for oranges as will provide in the interest of producers and consumers alike an orderly flow of the supply of oranges to market throughout their normal marketing season, and in order to avoid unreasonable fluctuation in the supply and price of oranges, the provisions of this subpart may be made effective notwithstanding that the season average price of oranges is found to be in excess of parity.

10. Amend the provisions of § 922.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

11. Amend the provisions of § 922.83 (c) (3) by deleting therefrom the word and figure "December 15" wherever it appears and substituting in lieu thereof the word and figure "October 15."

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] ROY W. LEHNWARTSON,  
Deputy Administrator.

[F. R. Doc. 55-10316; Filed, Dec. 23, 1955; 8:46 a. m.]

## [ 7 CFR Part 945 ]

### TOMATOES GROWN IN FLORIDA

#### NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 945.201 *Expenses and rate of assessment*. (a) The reasonable expenses that are likely to be incurred by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending July 31, 1956, will amount to \$135,000.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 125 and Order No. 45, shall be one and one-half cents (\$.015) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45.

Dated: December 20, 1955.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 55-10321; Filed, Dec. 23, 1955; 8:47 a. m.]

## [ 7 CFR Part 953 ]

[Docket No. AO 144-A7]

### LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047), and in accordance

with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR, Part 900); notice is hereby given of a public hearing to be held in Room 810 Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. s. t., January 25, 1956, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Part 953.20 F. R. 8451) hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Lemon Administrative Committee, the administrative committee established pursuant to the marketing agreement and order:

1. Delete the provisions of § 953.8 and substitute in lieu thereof the following:

§ 953.8 *Carload*. "Carload" means a quantity of lemons equivalent to 930 cartons of lemons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary.

2. Delete the provisions of § 953.9 and substitute in lieu thereof the following:

§ 953.9 *Carton*. "Carton" means standard carton No. 58 as defined in §.828.83 of the Agricultural Code of California, of a capacity of approximately 39½ pounds of lemons, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or from the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator

[F. R. Doc. 55-10318; Filed, Dec. 23, 1955; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

[Draft Release 55-31]

### REDISPATCH OF SCHEDULED AIR CARRIER FLIGHTS UNDER ADVERSE WEATHER CONDITIONS

#### NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 40 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 24, 1956. Copies of such communications will be available after February 28, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

In the preamble to revised Part 40, adopted April 13, 1953, effective April 1, 1954, the Board stated that considerable comment had been received concerning the provision presently contained in § 40.389 (a) which provides for the designation of a second alternate when the weather conditions forecast for the destination and first alternate are "marginal." This comment indicated that the word "marginal" is not sufficiently definite and that the language contained in this section does not establish an unambiguous standard for air carrier operations. The Board, therefore, indicated that additional consideration would be given this matter and an appropriate alternative proposal would be circulated in the future.

Accordingly, it is proposed herein to delete the requirement in § 40.389 (a) for an additional alternate airport when the weather conditions forecast for the destination and first alternate are marginal, since it appears that this provision does not contribute materially to the sense and intent of the section. In lieu thereof, it is proposed to require redispach of a flight when forecasts for the destination and alternate no longer indicate that ceilings and visibilities at the destination and alternate will be at or above the appropriate minimums at the estimated time of arrival thereat. It is believed that the intent of § 40.389 (a) will be substantially met by such a requirement.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 40 of the Civil Air Regulations be amended as follows:

1. By amending § 40.389 (a) by deleting the words "and, when the weather conditions forecast for the destination

and first alternate are marginal, at least one additional alternate airport"

2. By amending § 40.393 (c) to read as follows:

§ 40.393 *Redispach and continuance of flight.* \* \* \*

(c) No flight shall be continued to any airport to which it has been dispatched unless:

(1) The weather conditions at an alternate airport specified in the dispatch release or specified in accordance with the redispach provisions of paragraph (b) of this section, remain at or above the minimums for such airport when used as an alternate, and

(2) The current weather reports and forecasts, or a combination thereof, for the destination and alternate specified in the dispatch release or specified in accordance with the redispach provisions of paragraph (b) of this section, continue to indicate that weather conditions will be at or above the appropriate airport minimums at the estimated time of arrival thereat.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., December 16, 1955.

By the Bureau of Safety Regulation:

[SEAL] JOHN M. CHAMBERLAIN,  
Director

[F. R. Doc. 55-10340; Filed, Dec. 23, 1955; 8:51 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board and Maritime Administration

[14 CFR Ch. II]

[Docket No. S-59]

AMERICAN PRESIDENT LINES, LTD.

#### NOTICE OF PROPOSED RULE MAKING

Notice of proposed rule making in connection with petition of American President Lines, Ltd., was published in the FEDERAL REGISTER issue of September 26, 1955 (20 F. R. 8050), as amended by notice published November 10, 1955 (20 F. R. 8425).

Notice is hereby given that the time stipulated therein for submission of written data, views, or arguments relative thereto is hereby extended to March 1, 1956.

By order of the Federal Maritime Board/Maritime Administrator.

Dated: December 22, 1955.

[SEAL] GEO. A. VIEHMANN,  
Assistant Secretary.

[F. R. Doc. 55-10363; Filed, Dec. 23, 1955; 9:45 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 3 ]

[Docket Nos. 11532, 11433; FCC 55-1235]

### RADIO BROADCAST SERVICES

#### MEMORANDUM OPINION AND ORDER

In the matter of amendment of Part 3 of the Commission's Rules and Regulations Governing Television Broadcast Stations, Docket No. 11532.

In the matter of amendment of Part 3 of the Commission's Rules and Regulations to increase the maximum effective radiated power for television stations on Channels 14-83, Docket No. 11433.

Date	Petitioner	Request (in brief)
Apr. 18, 1955	Albert J. Balusek, San Antonio, Tex.	Deintermix UHF and VHF channel assignments in all communities.
June 21, 1955	UHF Industry Coordinating Committee.	Authorize VHF stations on a case-to-case basis at mileage separations lower than the present minimum. <sup>1</sup>
Oct. 17, 1955	UHF Industry Coordinating Committee.	Consider the allocation problem under a broad rule-making proceeding. <sup>1</sup>
Oct. 7, 1955	American Broadcasting Co.	Partial deintermixture, and reduced VHF separations at reduced powers, and other revisions.
Nov. 9, 1955	Scharfeld and Baron, Washington, D. C.	Make channel assignments on the basis of individual applications, rather than under a fixed Table of Assignments.

<sup>1</sup> These 2 petitions request, in addition, the suspension or deferment of new grants which would increase intermixture. The latter requests are not dealt with in this notice.

4. In addition, the Commission has under consideration in the rule making proceeding inaugurated on September 11, 1955, under Docket No. 11433, a proposal to increase the maximum permissible power for UHF stations to 5 megawatts. Like the foregoing petitions, this proposal relates to one of the basic features of the present television standards.

5. In view of the close interrelationships between the foregoing matters and the questions under consideration in the instant rule making proceeding, the Commission believes that its review of the nationwide television allocations plan, and its quest for lasting solutions, would be facilitated by dealing with the foregoing matters within the framework of the instant proceeding.

6. Accordingly, *it is ordered*, That so much of the petitions listed in paragraph

1. In the Notice of Proposed Rule Making adopted in this proceeding on November 10, 1955, the Commission announced its intention to consider proposals for revision of the national television allocations plan.

2. In paragraph 8 of that Notice the Commission set out a series of factors which it felt should be taken into consideration in evaluating proposals for revision of the existing television allocation plan and television standards.

3. The following petitions, now pending before the Commission, request changes to the present rules which bear directly on the problems which the Commission has under consideration in Docket No. 11532:

3 hereof as request action other than the suspension or deferment of authorizations for new television stations will be considered under the rule making proceedings in Docket No. 11532.

7. *It is further ordered*, That the record in Docket No. 11433 is made part of the rule making proceeding under Docket No. 11532; and Docket No. 11433 is hereby terminated.

Adopted: December 14, 1955.

Released: December 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F. R. Doc. 55-10343; Filed, Dec. 23, 1955; 8:51 a. m.]

publication in the *FEDERAL REGISTER*, (42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.).

Done at Washington, D. C., this 20th day of December 1955.

[SEAL] DAVID M. PETTUS,  
*Acting Director Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 55-10322; Filed, Dec. 23, 1955; 8:47 a. m.]

## CIVIL AERONAUTICS BOARD

[Dockets Nos. 7464, 7465, and 7466]

BRITISH OVERSEAS AIRWAYS CORP.

### NOTICE OF HEARING FOR AMENDMENT OF FOREIGN AIR CARRIER PERMIT

In the matter of the application, Docket No. 7464, of British Overseas Airways Corporation under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit so as to include Detroit, Mich., as an additional co-terminal point in the United States; application, Docket No. 7465, requesting a foreign air carrier permit authorizing service between London, England, and the co-terminal points New York, N. Y., and San Francisco, Calif., application, Docket No. 7466, requesting a foreign air permit authorizing service between the terminal point Nassau, Bahama Islands, and New York, N. Y.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, a hearing in the above-entitled proceeding will be held on January 4, 1956, at 10:00 a. m., e. s. t., in Room 5355 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applications particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.  
2. Whether applicant is fit, willing, and able to perform the air transportation and conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

3. Whether authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the United Kingdom of Great Britain and Northern Ireland.

For further details as to the service proposed and authorization requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before January 4, 1956, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

## NOTICES

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

DIXIE STOCK YARD, INC.

#### DEPOSTING OF STOCKYARD

It has been ascertained that the Dixie Stock Yard, Inc., Meridian, Mississippi, originally posted on September 19, 1955, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

No. 250—3

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the *FEDERAL REGISTER*. This notice shall become effective upon

Dated at Washington, D. C., December 20, 1955.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner

[F. R. Doc. 55-10339; Filed, Dec. 23, 1955;  
8:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11392, 11393; FCC 55M-1040]

BARTLETT AND REED MANAGEMENT AND  
BLACKHILLS VIDEO CO.

### ORDER FOR CONDUCT OF HEARING

DECEMBER 15, 1955.

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557, 558, 559, 560, 561, 562, 563-C1-P-55; and Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105-C1-P-55; for construction permits for radio relay facilities.

*Appearances.* Kelley E. Griffith, Washington, D. C., on behalf of Bartlett and Reed Management; Eugene L. Burke, Washington, D. C., on behalf of Blackhills Video Company; Charles F. Martin, New York, N. Y., on behalf of American Telephone and Telegraph Company (Intervener); Charles V. Wayland, Washington, D. C., on behalf of Blackhills Broadcast Company (Intervener) and William M. Lesher and Byron E. Harrison, Washington, D. C., on behalf of the Chief, Common Carrier Bureau, Federal Communications Commission.

1. The first pre-hearing conference in the above-entitled proceeding was held June 16, 1955. The second pre-hearing conference was held before the undersigned Examiner on December 5, 1955. The parties attending were as above indicated.

2. Subsequent to the specification of the issues in the Commission order of May 18, 1955, designating the above-entitled applications for hearing, the Commission by order dated August 31, 1955, has made the American Telephone and Telegraph Company a party in this proceeding.

3. As a result of the pre-hearing conference held December 5, 1955, the hearing will proceed on the following time schedule:

a. On or before Friday, January 13, 1956, the parties will prepare and exchange all of the exhibits they propose to offer in evidence in response to the issues prescribed herein. The exhibits to be exchanged by the American Telephone and Telegraph Company will relate to the services presently available to the communities involved through the Bell System companies and the present timetable of the Bell System companies for serving such communities.

b. The evidentiary hearing will begin on Monday, January 30, 1956. On that date, the parties will offer in evidence the exhibits in support of their affirmative case. It is the intention of the Examiner to receive in evidence the exhibits and stipulations to which there are no objections and other exhibits

which, after objections, the Examiner finds to be legally admissible.

4. After the receipt of the exhibits referred to, there will be a further conference to determine what other exhibits, if any, are to be offered either in support of the affirmative case or in rebuttal, the number of witnesses to be called and the date for further hearing.

*It is so ordered.* This the 15th day of December 1955.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-10344; Filed, Dec. 23, 1955;  
8:52 a. m.]

[Docket No. 11516; FCC 55M-1043]

ELIZABETH EVANS AND W. COURTNEY EVANS  
(WSUX)

### ORDER CONTINUING HEARING

In re application of Elizabeth Evans and W. Courtney Evans (WSUX) Seaford, Delaware, Docket No. 11516, File No. BMP-6870; for construction permit.

The Hearing Examiner having under consideration a petition filed on December 9, 1955, and a supplement thereto filed on December 12, 1955, by the respondent, Radio Hanover, Inc. (WHVR) requesting continuance of the hearing now scheduled for January 3, 1956;

It appearing that counsel for applicant and the Broadcast Bureau have no objection to a continuance until January 9, 1956, and that such a continuance would under all the circumstances not conflict with the interests of any party;

*It is ordered.* This 15th day of December 1955, that the petition is granted to the extent that the hearing now scheduled for January 3, 1956 is continued to Monday, January 9, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C., and that the further conference (see Transcript November 23, 1955, Prehearing Conference, p. 8) now scheduled for December 19, 1955 is continued without date.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 55-10345; Filed, Dec. 23, 1955;  
8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9175]

TENNESSEE GAS TRANSMISSION CO.

### NOTICE OF DATE OF HEARING

DECEMBER 20, 1955.

Take notice that Tennessee Gas Transmission Company, a Delaware corporation (Applicant) with a principal place of business in Houston, Texas, filed on July 25, 1955, an application for a certificate of public convenience and necessity and a supplement thereto on October 4, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the

Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to increase the daily contract quantity of natural gas being delivered to The Peoples Natural Gas Company (Peoples) from 25,000 Mcf to 40,000 Mcf, and to utilize natural gas facilities made the subject of an application in Docket No. G-8805, wherein the construction and operation of facilities are contemplated which will increase both Applicant's average and peak day capacity. The proposed new facilities will provide 32,196 Mcf (14.73 psia) of unallocated capacity, a portion of which will be used to render the increased service to Peoples.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Notice of said application has been duly published in the *FEDERAL REGISTER* on October 4, 1955 (20 F. R. 7386).

Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10323; Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-9221]

OHIO FUEL GAS CO.

### NOTICE OF APPLICATION AND DATE OF HEARING<sup>1</sup>

DECEMBER 20, 1955.

Take notice that The Ohio Fuel Gas Company, an Ohio corporation (Applicant) with a principal office in Columbus, Ohio, filed on August 10, 1955, an application for permission to abandon service to The River Gas Company pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate

service to The River Gas Company as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application recites: that Applicant purchased the distribution system of The River Gas Company in Athens and Morgan Counties, Ohio, and initiated retail service through the acquired facilities on June 15, 1955, and will supply the same quantities of gas through the acquired facilities that it originally sold to The River Gas Company so no one will be deprived of service by reason of the transfer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10324; Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-9268]

JOHN B. HAWLEY, JR.

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that John B. Hawley, Jr. (Applicant) an individual whose address is Minneapolis, Minnesota, filed on August 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Hugoton Field, Haskell County, Kansas, which it proposes to sell to Northern Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10325; Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-9430]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that Lone Star Gas Company, a Texas corporation (Applicant), with its principal office in Dallas, Texas, filed on October 4, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 1.67 miles of 2-inch lateral pipe line and appurtenant measuring and regulating facilities in Choctaw County, Oklahoma, to serve the Goodland Indian Orphanage, and adjoining Goodland School; and which will extend in a Westerly direction from its 6-inch natural gas transmission line E-16 to a point near the said school.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10326 Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-9432]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that Hope Natural Gas Company, a West Virginia corporation (Applicant), with a principal office in Clarksburg, West Virginia, filed on October 4, 1955, an application for permission to abandon and remove facilities pursuant to section 7 of the Natural Gas Act, authorizing Applicant to abandon and remove facilities hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon one 500 horsepower and one 600 horsepower compressor units at its Hunt Station located in Kanawha County, West Virginia, which it proposes to return to the warehouse for future use. The application recites that local gas supplies pumped by the two units are nearly depleted, and the proposed abandonment and removal will eliminate operating and maintenance costs, and will not result in any curtailment of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10327; Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-4640]

BEAL ASSOCIATES

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that Beal Associates (Applicant) whose address is Midland, Texas, filed on November 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all are more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Spraberry Trend Field, Upton County, Texas, which it proposes to sell to Texas Gas Products Corporation for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in-

involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10328; Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-6195]

BRITISH-AMERICAN OIL PRODUCING CO.  
NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that The British-American Oil Producing Company, Applicant, a Delaware corporation whose address is Dallas, Texas, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from various gas fields in Logan County, Colorado, and sells it in interstate commerce to Kansas-Nebraska Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 55-10329; Filed, Dec. 23, 1955;  
8:48 a. m.]

[Docket No. G-9000]

GEORGE G. JOHNSON DRILLING CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that George G. Johnson Drilling Company (Applicant), a Texas corporation whose address is Denver, Colorado, filed on June 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Big Springs Field, Deuel County, Nebraska, which it proposes to sell to Kansas-Nebraska Natural Gas Company, Inc. for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 23, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1956. Failure of any party to appear at and participate in the hearing shall

be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 55-10330; Filed, Dec. 23, 1955;  
8:49 a. m.]

[Docket No. G-9081]

LONE STAR PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that Lone Star Producing Company, a Texas corporation (Applicant) with a principal office in Dallas, Texas, filed on January 27, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the O'Hagen and Oil Creek Fields, Grayson County, Texas, and to sell it in interstate commerce to Lone Star Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 26, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 55-10331; Filed, Dec. 23, 1955;  
8:49 a. m.]

[Docket No. G-9632]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

DECEMBER 20, 1955.

Take notice that Consolidated Gas Utilities Corporation (Applicant) a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed on June 27, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to replace a 10.7-mile section of looped 6 $\frac{3}{4}$ -inch and 7-inch O. D. gas pipeline with a continuous line of 16-inch, 14-inch and 12 $\frac{3}{4}$ -inch pipe of approximately the same length in Beckham and Greer Counties, Oklahoma.

The application recites the increased capacity is required for the Altus Air Force Base, requirements of which will be: maximum of 400,000 Mcf annually and 4,000 Mcf daily.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 26, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 55-10332; Filed, Dec. 23, 1955;  
8:49 a. m.]

[Docket No. G-9267]

COLORADO INTERSTATE GAS CO.

NOTICE OF HEARING ON APPLICATION FOR  
CERTIFICATE OF PUBLIC CONVENIENCE

DECEMBER 19, 1955.

Take notice that Colorado Interstate Gas Company, Applicant, a Delaware corporation whose address is Colorado National Bank Building, Colorado Springs, Colorado, filed on August 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain proposed facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct approximately 1.9 miles of 4-inch pipeline for the purpose of rendering direct industrial service to Fabco Products, Incorporated which is building a new gypsum wallboard plant located between Florence and Portland, Colorado.

Said line will run from a point of interconnection with Applicant's present 8-inch Portland lateral line near Portland, Colorado, in a westerly direction for a distance of approximately 1.9 miles where it will terminate on or adjacent to the premises of Fabco. Applicant also proposes to construct a meter and regulator station to be located on or adjacent to the premises of Fabco.

The total estimated cost of the pipeline and station is stated to be \$29,903. However, as a contribution in aid of construction, Fabco has agreed to reimburse Applicant for the actual cost of the 4-inch line which is stated by Applicant for this purpose to be \$22,357.

Under contract dated June 6, 1955, Applicant proposes to deliver up to 1500 MCF per day, of which 25 MCF will be on a firm basis and 1475 MCF on an interruptible basis with an option to deliver quantities in excess of 1500 MCF per day on an interruptible basis. The prices to January 1, 1957 (thereafter to be determined annually on a negotiated basis), are stated as 30 cents per MCF for firm gas and 21 cents per MCF for interruptible gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 10, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and

procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. GUTRIDE,  
*Acting Secretary.*

[F. R. Doc. 55-10333; Filed, Dec. 23, 1955;  
8:49 a. m.]

[Docket No. G-4568, etc.]

BERT FIELDS, ET AL.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

DECEMBER 19, 1955.

Bert Fields, et al., Docket Nos. G-4568—G-4572 inclusive; Rockhill Oil Company, et al., Docket Nos. G-5920, G-5921, G-5922, G-5923 and G-5935; Elm Oil and Gas Corporation, Docket Nos. G-5924 and G-5926; Dorchester Corporation, Docket No. G-5925; Sohio Petroleum Company, Docket No. G-5928; Sunray Oil Corporation, Docket No. G-5932; Simon Amman, Docket No. G-5936; Fred M. Manning, Docket No. G-5954; Placid Oil Company, Docket Nos. G-5971 and G-5972.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants in the above-entitled dockets to render the service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their applications, which are on file with the Commission and open for public inspection.

Each of the above-named Applicants sells natural gas in interstate commerce for transportation and for resale from the following fields to the purchasers as indicated below:

*Docket No., Location of Field, and Purchaser*

G-4568; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.  
G-4569; North Lansing Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-4570; Sentell Field, Bossier and Caddo Parishes, Louisiana; Arkansas Louisiana Gas Company.

G-4571; Carthage Field, Panola County, Texas; Tennessee Gas Transmission Company.  
G-4572; Waskom Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-5920; North Pettus Field, Bee, Carnes and Goliad Counties, Texas; United Gas Pipe Line Company.

G-5921; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.  
G-5922; Brandt Field, Goliad County, Texas; Wilcox Trend Gathering System.

G-5923; Gloria Field, Jim Wells and Brooks Counties, Texas; Transcontinental Gas Pipe Line Corporation and Texas Illinois Natural Gas Pipe Line Company.

G-5924; Hugoton Field, Kearney County, Kansas; Colorado Interstate Gas Company.  
G-5925; Panhandle Field, Carson and Gray Counties, Texas; Northern Natural Gas Company.

G-5926; Hugoton Field, Kearney County, Kansas; Colorado Interstate Gas Company.  
G-5928; Egan Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

G-5932; Athens Field, Claiborne, Parish, Louisiana; Arkansas Louisiana Gas Company.

G-5935; Hordes Creek Field, Goliad County, Texas; Wilcox Trend Gathering System.

G-5936; West Panhandle, Gray County, Texas; Kerr McGee Oil Industries, Inc.

G-5954; Elk Basin Unit Area, Park County, Wyoming; Montana-Dakota Utilities Company.

G-5971; Sligo Field, Bossier, Parish, Louisiana; Texas Gas Transmission Corporation.

G-5972; Lapeyrouse Field, Terrebonne Parish, Louisiana; United Gas Pipe Line Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 24, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. GUTRIDE,  
*Acting Secretary.*

[F. R. Doc. 55-10334; Filed, Dec. 23, 1955;  
8:49 a. m.]

[Docket Nos. G-8467, etc.]

J. C. TRAHAN, ET AL.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

DECEMBER 19, 1955.

In the matters of J. C. Trahan et al., Docket No. G-8467; Nue-Wells Pipe Line Company, Docket No. G-8528; Mississippi River Fuel Corporation, Docket No. G-8575; Southwest Gas Producing Company, Inc., Docket No. G-8583; Arnold O. Morgan, Docket No. G-8590; Hargrove Oil and Gas Company, Docket No. G-8640; Hunt Oil Company, Docket Nos. G-8648 and G-8720; Sunray Mid-Continent Oil Company, Docket Nos. G-8663,<sup>1</sup>

<sup>1</sup> Effective May 16, 1955, Mid-Continental Petroleum Corporation merged into Sunray Oil Corporation and Sunray Oil Corporation changed name to Sunray Mid-Continent Oil Company and adopted the application of Sunray Oil Corporation in Docket Nos. G-8663, G-8791, G-8825, and G-9530.

G-8791, G-8825, and G-9530; Shell Oil Company, Docket No. G-8666; Leonard W. Phillips, Docket Nos. G-8685, G-9210; Arkansas Fuel Oil Corporation, Docket No. G-8713; George H. Coates and Hugh Kirkpatrick, Docket No. G-8822; Sun Oil Company, Docket No. G-8841; Monterey Oil Company, Docket No. G-8896; John F. Merrick, Docket No. G-8928; George H. Coates, Docket No. G-8967, H. L. Hunt, Docket No. G-8972; Renwar Oil Corporation, Docket No. G-8974; South Texas Oil and Gas Company, Docket No. G-9076; N. B. Hunt, Docket No. G-9102; Breur-Robison Oil Company et al., Docket No. G-9103; Sherwood and Blohm and Thomas J. Holmes, Docket No. G-9163; G. C. Hudgins, Docket No. G-9188; Hugh J. Fitzgerald, Docket No. G-9198; Arnold H. Bruner & Company, Docket No. G-9199; Progress Petroleum Company, Inc., Docket No. G-9200; Seaboard Oil Company, Docket No. G-9240; Mustang Oil Corporation, Docket No. G-9247; Harrell Drilling Company, Docket No. G-9271, Kirkwood and Morgan, Inc., et al., Docket Nos. G-9303, G-9304, G-9380; Sinclair Oil and Gas Company, Docket No. G-9323; The Atlantic Refining Company, Docket No. G-9366; A. S. Genecov, Trustee for Boyce Elton Genecov; H. S. Genecov, Trustee for Maurine Hannah Genecov; Ronald E. Sater; and Raymond H. Williams, Jr., Docket No. G-9427; Lloyd H. Smith, Inc., et al., Docket No. G-9467. The Chicago Corporation, Docket No. G-9492.

There have been filed with the Federal Power Commission applications as hereinafter specified.

*Docket No., Address, and Location of Field*

G-8467; 326 Texas Eastern Building, Shreveport, Louisiana; Bethany (Elysian) Field, Panola County, Texas.

G-8528; Midland, Texas; Balloy Field, Jim Wells County, Texas.

G-8575; 407 North Eighth Street, St. Louis, Missouri; Bella Bower Field, De Soto Parish, Louisiana.

G-8583; P. O. Box 2927, Monroe, Louisiana; Walker No. 1 Well, East Holmwood Field, Calcasieu Parish, Louisiana.

G-8590; 406 South Chaparral Street, Corpus Christi, Texas; Morgan Field, San Patricio County, Texas.

G-8640; 302 Texas Eastern Building, Shreveport, Louisiana; Bethany Field, Panola County, Texas.

G-8648; G-8720; 700 Mercantile Bank Building, Dallas, Texas; Bethany Field, Panola County, Texas.

G-8663, G-8791, G-8825, G-9530; Tulsa, Oklahoma, Beaurline Field, Hidalgo County, Texas; Rincon and Flores Field, Starr and Hidalgo Counties, Texas; El Pannal Field, Starr County, Texas; North Hostetter Field, McMullen County, Texas.

G-8666; 50 West 50th Street, New York, New York; Lake Arthur Field, Jefferson Davis Parish, Louisiana.

G-8685, G-9210; P. O. Box 3068, Shreveport, Louisiana; South Hallsville Field, Harrison County, Texas; Bethany-Carthage Area, Panola and Harrison Counties, Texas.

G-8713; Slattery Building, Shreveport, Louisiana; F. F. Martinez Lease, North Rincon Field, Starr County, Texas.

G-8822; San Antonio and Mission, Texas; Willow Creek Field, Refugio County, Texas.

G-8841; 1608 Walnut Street, Philadelphia, Pennsylvania; San Salvador Field, Hidalgo County, Texas.

G-8896; Los Angeles, California; El Pannal Field, Starr County, Texas.

G-8928; Houston, Texas; Placido Field, Victoria County, Texas.

G-8967; San Antonio, Texas; San Salvador Field, Hidalgo County, Texas.

G-8972; 700 Mercantile Bank Building, Dallas, Texas; Allen Parish, Louisiana.

G-8974; 1501 Wilson Tower, Corpus Christi, Texas; Morales Field, Jackson County, Texas.

G-9076; P. O. Box 440; Tom Graham Field, Jim Wells County, Texas.

G-9102; 700 Percentile Bank Building, Dallas, Texas; Morales Field, Jackson County, Texas.

G-9103; 333 North Michigan Avenue, Chicago, Illinois; Zim Field, Starr County, Texas.

G-9163; 1306 McKinney, Houston, Texas; South Lissie Field, Wharton County, Texas.

G-9188; P. O. Box 1159, Wharton, Texas; Magnet-Withers Field Area, Wharton County, Texas.

G-9198; 633 Meadows Building, Dallas, Texas; Placedo Field, Victoria County, Texas.

G-9199; 633 Meadows Building, Dallas, Texas; Placedo Field, Victoria County, Texas.

G-9200; Houston, Texas; Magnet-Withers Field, Wharton County, Texas.

G-9240; Continental Building, Dallas, Texas; McCrosky Field, Matagorda County, Texas.

G-9247; 1207 Wilson Building, Corpus Christi, Texas; North Odem Field, San Patricio County, Texas.

G-9271; 611 Melrose Building, Houston, Texas; Magnet-Withers Field, Wharton County, Texas.

G-9303, G-9304, G-9380; San Antonio, Texas; Chalmers Field, Matagorda County, Texas; McCrosky Field, Matagorda County, Texas; Bailey Field, Nueces County, Texas.

G-9323; Sinclair Oil Building, Tulsa, Oklahoma; Morales Field, Jackson County, Texas.

G-9366; Philadelphia, Pennsylvania; Seven Sisters Field, Duval County, Texas.

G-9427; Tyler, Texas; South Hallsville Field, Panola County, Texas.

G-9467; Houston, Texas; West Rock Island Field, Colorado County, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

G-9492; Continental Life Building, Fort Worth, Texas, Southeast Inez Area, Victoria and Jackson Counties, Texas.

the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the immediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. GUTHRIE,  
Acting Secretary.

[F. R. Doc. 55-10335; Filed, Dec. 23, 1955;  
8:50 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

#### REGIONAL ADMINISTRATORS

#### DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC FACILITY LOANS

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized to take the following actions, on behalf of the Housing and Home Finance Administrator, in connection with public facility loans authorized under section 202 of Public Law 345, 84th Congress (69 Stat. 642, 42 U. S. C. 1491):

1. To execute offers to public agencies for loans authorized by the Community Facilities Commissioner.

2. To authorize payments under any contracts resulting from acceptance of offers made pursuant to subparagraph 1 above;

3. To take all other actions requisite or needed in the administration of the program except the power:

(a) To determine the rate of interest on loans;

(b) to issue notes or other obligations for purchase by the Secretary of the Treasury.

(c) to authorize loans;

(d) to increase the amount of an authorized loan or to effect a major change in project scope; and

4. To redelegate to one or more officers or employees under his jurisdiction any of the authority herein delegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 934; 62 Stat. 1283 (1948), as amended by 64 Stat. 83 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 28th day of November 1955.

[SEAL]

ALBERT M. COLE,  
Housing and Home  
Finance Administrator

[F. R. Doc. 55-10313; Filed, Dec. 23, 1955;  
8:45 a. m.]

#### COMMUNITY FACILITIES COMMISSIONER

#### DELEGATION OF AUTHORITY WITH RESPECT TO PUBLIC FACILITY LOANS

The Community Facilities Commissioner is hereby authorized:

1. To execute the powers and functions vested in the Housing and Home Finance Administrator under section 202 of Public Law 345, 84th Congress (69 Stat. 642, 42 U. S. C. 1491) except (a) the power to determine the rate of interest on loans and (b) the power to issue notes or other obligations for purchase by the Secretary of the Treasury; and

2. To redelegate to one or more officers or employees under his jurisdiction any of the authority herein delegated except the power to authorize loans.

(Reorg. Plan No. 3 of 1947, 61 Stat. 934; 62 Stat. 1283 (1948), as amended by 64 Stat. 83 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 28th day of November 1955.

[SEAL]

ALBERT M. COLE,  
Housing and Home  
Finance Administrator.

[F. R. Doc. 55-10314; Filed, Dec. 23, 1955;  
8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3434]

CITIES SERVICE CO.

### NOTICE OF FILING OF DECLARATION REGARDING STOCK DIVIDEND

DECEMBER 20, 1955.

Notice is hereby given that Cities Service Company ("Cities") a registered holding company, has filed a declaration with this Commission, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act").

All interested persons are referred to the declaration on file at the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cities proposes to issue 193,242 shares of its \$10 par value common stock and to distribute said shares on or about January 23, 1956, to its stockholders of record as of December 7, 1955, as a 2 percent stock dividend, on the basis of one share of said stock for each fifty shares of its outstanding 9,912,105 shares of common stock. In lieu of fractional shares, it is proposed to issue Order Forms, and the fractional interests represented thereby may be combined with other fractional interests to enable the holder to receive certificates for full shares, or may be sold as the owner may elect. The company has made arrangements with Guaranty Trust Company of New York to buy and sell such fractional interests for the account of the holders thereof, without cost to such holders. All shares held to cover fractional interests with respect to which Guaranty Trust Company does not receive completed Order Forms before the close of business on February 24, 1956, will be sold in due course for the account of the holders thereof, and the proceeds distributed pro rata. On February 23, 1962, all unclaimed and all undelivered proceeds of such sales shall become the absolute property of the company.

Cities proposes to assign a value of \$54 per share to each of the 193,242 shares of common stock to be issued as a stock

dividend, or an aggregate of \$10,705,068. It proposes to debit earned surplus in that amount, to credit its common stock capital account with the par value of such shares, \$10 per share, or an aggregate of \$1,982,420, and to credit its capital surplus account with the excess of the assigned value over the par value, \$44 per share, or an aggregate of \$8,722,648. The corporate earned surplus of the company at September 30, 1955 amounted to \$206,602,540.

The company states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than January 4, 1956, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should bear the above title and file number, and be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-10336; Filed, Dec. 23, 1955;  
8:50 a. m.]

[File No. 24B-762]

#### MAINE MINING AND EXPLORATION CORP.

#### ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

I. Maine Mining and Exploration Corporation, a Maine corporation, 193 Middle Street, Portland, Maine, having filed with the Commission on January 28, 1954, a notification on Form 1-A and an offering circular, and having subsequently filed amendments thereto, relating to an offering of 745,000 shares of 10 cents par value common stock at 40 cents per share for an aggregate of \$298,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made,

in the light of the circumstances under which they were made, not misleading, particularly with respect to the statement of receipts and disbursements as indicated in letters of the Commission's staff, dated April 18 and May 16, 1955;

2. The issuer failed to file, as required by rule 221,

(a) an undated letter mailed by the underwriter on or about June 1, 1955, to stockholders, which letter contained false and misleading statements with respect to the statements that the offering would soon be closed, orders would not be executed at the offering price of 40 cents per share after June 1, 1955, shares would be offered only in the open market at the prevailing market price and a merger with a financially sound company was being negotiated; and

(b) certain television advertisements relating to the offering on or after October 19, 1954, on station WATV Newark, New Jersey.

3. The offering has been made by the false and misleading statements in the aforesaid letter to stockholders by salesmen of the underwriter;

4. The issuer failed to file a report of sales on Form 2-A as required by rule 224, and

B. The use of said offering circular and the aforesaid written and oral statements did operate as a fraud or deceit upon the purchasers.

It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing;

that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Maine Mining and Exploration Corporation, 193 Middle Street, Portland, Maine, and Sonnenberg & Co., 120 North Wood Avenue, Linden, New Jersey, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 55-10337; Filed, Dec. 23, 1955;  
8:50 a. m.]

## UNITED STATES TARIFF COMMISSION

[List No. D-7-11]

### APPARATUS FOR ELECTROLYTICALLY TREATING METAL SURFACES

#### COMPLAINT DISMISSED

DECEMBER 21, 1955.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Date received	Name and address of complainant
Apparatus for electrolytically treating metal surfaces.	Exclusion from entry.	July 1, 1955	Central Scientific Co., 1709 Irving Park Rd., Chicago 13, Ill., and others.

Notice of the receipt of the above complaint was published in 20 F. R. 5378.

By direction of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F. R. Doc. 55-10346; Filed, Dec. 23, 1955;  
8:52 a. m.]

#### TARIFF COMMISSION REPORT TO PRESIDENT OF "ESCAPE-CLAUSE" FINDINGS ON CERIUM ALLOYS

DECEMBER 21, 1955.

The Tariff Commission today submitted a report to the President of its findings and recommendation in "escape-clause" investigation No. 41 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to ferrocerium and other cerium alloys dutiable under paragraph 302 (q) of the Tariff Act of 1930. The investigation was instituted by the Commission on April 7, 1955, on the basis of an application for an "escape-clause" investi-

gation by domestic producers of lighter flints. The imports under the tariff provision in question consist primarily of lighter flints and rods from which lighter flints are made.

The Commission found unanimously that cerium alloys are being imported into the United States in such increased quantities, both actual and relative to domestic production, as to cause serious injury to the domestic lighter-flint producers and recommends to the President the withdrawal of the tariff concession on these products granted in the General Agreement on Tariffs and Trade. The statute allows the President a period of 60 days within which to act on the Commission's recommendation.

Copies of the Commission's report are available upon request, as long as the limited supply lasts. Requests for copies should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,  
Secretary.

[F. R. Doc. 55-10347; Filed, Dec. 23, 1955;  
8:52 a. m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 12, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 31406: *Bituminous coal from Menominee, Mich., to Wisconsin.* Filed by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Rates on bituminous coal, carloads from Menominee, Mich., to points in Wisconsin. Grounds for relief: Market competition.

Tariff: Supplement 19 to C. M. St. P. & P. Ry. Co. I. C. C. No. B-7789.

FSA No. 31407: *Commodities from and to points in Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on barium carbonate, wallboard, zinc dry battery shells and fire fighting equipment, carloads from various origins in western trunk-line territory to various destinations in western trunk-line territory, also in official (including Illinois) and southern territories, and Canada, and between various points in western trunk-line and Illinois territories.

Grounds for relief: Carrier competition and circuitry.

FSA No. 31408: *Substituted service—Pennsylvania Railroad.* Filed by Eastern Central Motor Carriers Association for and on behalf of the Pennsylvania Railroad Company, Eazor Express, Inc., and other interested motor carriers. Rates on various commodities, in highway truck trailers loaded on railroad flat cars between Chicago, Ill., and Kearny, N. J.

Grounds for relief: "Trailer-on-flat car" or motortruck competition.

Tariff: Eastern Central Substituted Freight Service Directory No. 34-D, I. C. C. No. 5.

FSA No. 31409: *Cement—Marquette and St. Louis, Mo., to Indiana.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, common, hydraulic, masonry, mortar, natural or portland, carloads, from Marquette and St. Louis, Mo., to stations in Indiana within 240 miles from origins named in the application.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 32 to Agent Hinsch's I. C. C. 4225.

FSA No. 31410: *Sand and gravel from and to points in Alabama.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on chert, cinders, gravel, marl, oyster shell dust, sand, slag, slate, stone, broken, crushed, granulated or pulverized and related commodities, carloads from Bessemer, Ensley, Fairfield and Woodward, Ala., to Andalusia, Heath, Gantt, Dunns, and Glenwood, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 37 to Agent C. A. Spaninger's I. C. C. 1469.

No. 250—4

FSA No. 31411: *Motor fuel anti-knock compounds—Louisiana to Illinois.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on motor fuel anti-knock compounds, tank-car loads from Baton Rouge and North Baton Rouge, La., to Chicago, Ill., and group, also Lemont and Lockport, Ill.

Grounds for relief: Barge competition and circuitry.

Tariff: Supplement 145 to Alternate Agent Marque's I. C. C. 417.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 55-10226; Filed, Dec. 22, 1955;  
8:46 a. m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 31447: *Sand from Vincennes, Ind., to Pana, Ill.* Filed by R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company. Rates on sand, carloads from Vincennes, Ind., to Pana, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 45 to Baltimore & Ohio Railroad tariff I. C. C. 24849.

FSA No. 31448: *Iron and steel articles in Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from, to, and between points in western trunk line territory.

Grounds for relief: Short-line distance formula, carrier competition, circuitry, and to maintain higher rates from and to points in territory outside the scope of the instant adjustment.

Tariff: Supplement 32 to W. J. Prueter's tariff I. C. C. No. A-3821, and others listed in the application.

FSA No. 31449: *Acidulated phosphate from Idaho and Utah.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on phosphate, acidulated or ammoniated, carloads, from Don, Idaho, and Garfield, Utah, to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement No. 5 to Agent Prueter's I. C. C. A-4123; Supplement No. 13 to Union Pacific Railroad tariff I. C. C. No. 5235.

FSA No. 31450: *Sugar from Gulf Ports to points in Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans, Three Oaks, Gramercy, Reserve, La., Gulfport, Miss., and Mobile, Ala., and points taking the same rates to points in Georgia.

Grounds for relief: Circuitry.

Tariffs: Supplement 285 to Alternate Agent J. H. Marque's I. C. C. No. 360.

FSA No. 31451: *Coke from Illinois to Keokuk, Iowa.* Filed by R. G. Raasch,

Agent, for interested rail carriers. Rates on coke, coke breeze, coke dust or coke screenings, carloads from Roxana, Word River, and Federal, Ill., to Keokuk, Iowa.

Grounds for relief: Barge and market competition.

Tariff: Supplement 39 to Agent Raasch's I. C. C. No. 767.

FSA No. 31452: *Lignin liquor—East to Central Territory.* Filed by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on lignin liquor, in tank cars from Erie, Johnsonburg and York Haven, Pa., and Corinth, N. Y., to points in Illinois, and Davenport, Iowa and Mexico, Mo.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 92 to Agent Boin's I. C. C. A-1015 and others.

FSA No. 31453: *Lithium ore—East to Twin Cities.* Filed by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on lithium ore, carloads from North Atlantic Ports and Exton, Pa., and Camden, N. J., to Minneapolis, Minnesota Transfer, St. Paul and St. Louis Park, Minn.

Grounds for relief: Port equalization, port relations and circuitry.

Tariffs: Supplement 27 to C. W. Boin's I. C. C. A-1034; Supplement 66 to O. E. Swenson's I. C. C. 604.

FSA No. 31454: *Lumber—Missouri-Arkansas to Illinois.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related articles, carloads from Southeast Missouri and Northeast Arkansas to southern Illinois.

Grounds for relief: Grouping and circuitry.

Tariff: Supplement 89 to Agent Kratzmeir's I. C. C. 3954.

FSA No. 31455: *Petroleum coke from East St. Louis, Ill., to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, petroleum coke breeze, petroleum coke dust, and petroleum coke screenings, carloads from East St. Louis, Ill., to Keokuk, Iowa.

Grounds for relief: Circuitry and barge competition.

Tariff: Supplement 39 to Agent Raasch's I. C. C. No. 767.

FSA No. 31456: *Roofing and building materials—South to North.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on roofing and building material, and slate roofing, carloads from points in southern territory to points in official territory.

Grounds for relief: Short-line distance formula, grouping and circuitry.

Tariff: Supplement 2 to Agent Spaninger's I. C. C. No. 1500.

FSA No. 31457: *Sugar—Minnesota to Gary, Ind.* Filed by E. W. Bergstrom, Alternate Agent, for interested rail carriers. Rates on sugar, carloads, from Bingham, East Grand Forks and Wilds, Minn., to Gary, Ind.

Grounds for relief: Grouping and circuitry.

Tariff: Supplement 47 to Agent Brown's I. C. C. No. 2.

FSA No. 31458: *Motor-rail Rater—N. Y. N. H. & H. RR.* Filed by The New York, New Haven and Hartford Railroad Company and Central Motor Trucking,

## NOTICES

Inc., and other motor carriers. Rates on various commodities between points in New England and points in the United States.

Grounds for relief: Motor competition, grouping, and circuitry.

FSA No. 31459: *Old bags—Cleveland, Ohio to Memphis, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on old worn out bags, carloads from Cleveland, Ohio to Memphis, Tenn.

Grounds for relief: Competition and circuitry.

FSA No. 31460: *Monel metal from Huntington, W Va., to New Orleans, La.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on Monel, nickel, and inconel metals, bar or rod, plate, strip, or sheet, pipe or tubing, carloads from Huntington, W Va., to New Orleans, La.

Grounds for relief: Carrier competition and circuitry.

F S. A. No. 31461. *Window glass from Pennsylvania and West Virginia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on glass, window

(other than plate), carloads from Clarksburg, W Va., Jeanette and New Kensington, Pa., to points in North Carolina and Virginia.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Agent Boin's I. C. C. No. A-1079.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 55-10311; Filed, Dec. 23, 1955;  
8:45 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order No. 57,  
Amdt. 5]

#### RAILROADS SERVING CERTAIN STATES

#### REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 57 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 57 be, and it is hereby,

amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., January 20, 1956, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., December 20, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., December 19, 1955.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[F. R. Doc. 55-10312; Filed, Dec. 23, 1955;  
8:45 a. m.]